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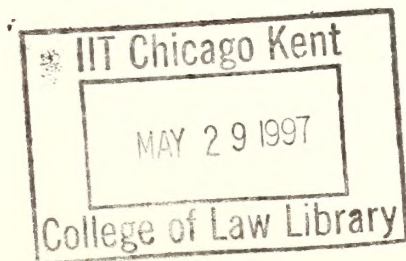
Illinois Register

Rules of Governmental Agencies

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(217) 782-7017
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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

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Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
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Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
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Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
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Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
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Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
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June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

2) Code Citation: 47 Ill. Adm. Code 110

3) Section Numbers:

110.10 Amendment
110.30 Amendment
110.40 Amendment
110.60 Amendment
110.70 Amendment
110.80 Amendment
110.91 Amendment
110.230 Amendment
110.260 Amendment
110.280 Amendment
110.330 Amendment
110.340 Amendment
110.360 Amendment

Proposed Action:

Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment

4) Statutory Authority: Implementing Title I of the Housing and Community Development Act of 1974 (42 U.S.C.A. 5301) and Section 46.37 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37] and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the program rules for the Community Development Assistance Program.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments contain incorporations by reference? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the *Illinois Register* to the following:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Ms. Brenda Yager
Department of Commerce and Community Affairs
Bureau of Community Development
620 East Adams Street, 5th Floor
Springfield, IL 62701
(217) 785-6174
TDD: (217) 785-6055

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: These amendments will affect participating municipalities.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not affect the existing reporting, bookkeeping and other procedures necessary for compliance.

C) Types of professional skills necessary for compliance: Applicants would already possess the necessary skills for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRSSTATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section	
110.10	Legislative Base
110.20	Purpose and Scope
110.30	Definitions
110.35	Incorporation by Reference
110.40	Federal/State Program Objectives
110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities
110.70	Grant Application Process
110.80	Funding
110.90	Set-Aside for Emergency Public Facilities Component
110.91	General Economic Development Component
110.92	Competitive Public Facilities Component
110.93	Competitive Housing Rehabilitation Component
110.94	Competitive Planning Assistance Component
110.95	Competitive Removal of Architectural Barriers Component
110.100	Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)
110.101	Application Evaluation for Competitive Planning Assistance Component
110.102	Application Evaluation for Competitive Removal of Architectural Barriers Component
110.103	Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component
110.104	Application Evaluation for Competitive Housing Rehabilitation Component
110.105	Small Business Financing Component (Repealed)
110.110	Administrative Requirements
110.120	Nondiscrimination
110.130	Complaint Process

SUBPART B: REVOLVING LOAN FUNDS

Section	
110.210	Purpose
110.220	Definitions
110.230	Recapture Strategy Requirements
110.240	RLF Administration
110.250	Use of RLF Funds
110.260	Requirements for RLF Projects

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110.270	Administrative Costs
110.280	RLF Fundability Analysis
110.290	RLF Loan Closings
110.300	Security
110.310	Disbursement of RLF Funds
110.320	RLF Loan Monitoring
110.330	Recordkeeping and Reporting
110.340	Department Monitoring
110.350	Evaluation of Performance
110.360	Program Income Subject to the Act

AUTHORITY: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37 and 46.42].

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. 20106, effective December 14, 1992; amended at 20 Ill. Reg. 7799, effective May 29, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section 110.10 Legislative Base

a) Federal

- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). This Act established seven block grant programs, including the ~~Small Cities~~ State Community Development Block Grant (CDBG) Program. These block grants replace a large number of programs previously administered by the Federal Government. Although the Housing and Community Development Act of 1974 provided since its inception for discretionary block grants to smaller communities, the Omnibus Budget Reconciliation Act of 1981 made a fundamental change to transfer to the States the power and decision making in awarding block grants to small communities.
- 2) The State Community Development Block Grant program funds are allocated to the State pursuant to ~~was enacted as~~ Section 106(d) of Title I of the Housing and Community Development Act of 1974, as amended, ~~as amended, of Sec-394-of-Title-III-of-the-Act.~~ The Act authorizes state administration of the program to units of general local governments in nonentitlement areas. ~~Those States which elect to administer the program will replace HUD under Subpart I of Community Development Block Grant Regulations--(Part~~

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

57077-and-the-regulations-of-Subpart-P-governing-the-Small-Cities Program-administered-by-HUD-will-not-apply. Throughout this Part references are made to the provisions of 24 CFR 570. These HUD regulations were published November 9, 1992 September-67-1988--at 53-PR-34437.

3) While the States must follow the statutory requirements concerning the use of block grant funds, the Secretary of HUD will give maximum feasible deference to a State's interpretation of such requirements consistent with the Secretary's obligation to enforce compliance with the intent of Congress.

4) Pursuant to 24 CFR 91, et al., the State must submit annually to HUD a Consolidated Plan that serves as the planning document of the State and an application under any of the Community Planning and Development formula grants, including CDBG. If a State elects to administer the program--it--must--submit--each--year--to--the Secretary--of--HUD--during--the--month--of--July--before--the--beginning of--each--fiscal--year--(October--1--to--September--30)--certifications--by--the--Governor--as--required--by--the--Act. A final statement and certifications are required to be submitted before March 31 during each year in which a State elects to administer the Community Development Block Grant funds for its nonentitlement areas.

b) State

1) On August 10, 1981, the Governor designated the Illinois Department of Commerce and Community Affairs as the State administrative agency for the Small Cities Community Development Block Grant Program. On March 23, 1982, the Governor officially notified the U.S. Department of Housing and Urban Development of the State's election to administer the Small Cities Program for nonentitlement communities within the State.

2) As a part of its application, the State certified to HUD that it:

- A) Engages or will engage in planning for community development activities;
- B) Provides or will provide technical assistance to units of general local government in connection with community development programs; and
- C) Has consulted with local elected officials from among units of general local government located in nonentitlement areas of the State determining the method of distribution of CDBG Block-Grant funds.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.30 Definitions

"Act" shall mean Section 106(d), as amended, of Section 304 of Title III of the Omnibus Budget Reconciliation Act of 1981 (Public Law

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97-35) (42 U.S.C.A. 5301 (1983)).

"Application" shall mean a request for program funds including the required forms and attachments.

"Application on Behalf Of" shall mean any application submitted by one eligible applicant requesting funds for one or more other eligible applicants.

"Community" shall mean any eligible applicant.

"Community Development Assistance Program" shall mean the State Community Development Block Grant program administered by the Department, initially authorized as the--Community--Development--Block Grant--Nonentitlement--Program by Title I of the Housing and Community Development Act of 1974, as amended, and subsequently--authorized--for State--administration--by--the--Omnibus-Budget-Reconciliation-Act-of-1981 for--cities--and--counties--except--those--designated--as--entitlement--areas by--the--U.S.-Department-of-Housing-and-Urban-Development.

"CDAP Low Interest Subordinated Loan" shall mean a loan provided with Community Development Assistance Program funds which takes a collateral position secondary to a first trust mortgage or U.C.C. Filing deed.

"Department" shall mean the Illinois Department of Commerce and Community Affairs.

"Economic Development" shall mean job creation/retention and the alleviation of economic distress through the stimulation of private investment and community revitalization.

"Eligible Applicant" shall mean any incorporated municipality, township, or county within the State of Illinois, except those designated as entitlement areas by the U.S. Department of Housing and Urban Development.

"Entitlement City" shall mean a city designated by the Department of Housing and Urban Development to receive an amount of funds which the city is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

"Entitlement County" shall mean a county designated by the Department of Housing and Urban Development to receive an amount of funds which the county is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

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"Financial Feasibility" shall be determined from documentation from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years) to provide the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro forma statement that projects at a minimum the first year's operations with the proposed loan funds. Financial statements for the past 3 years and a cash flow analysis/pro forma statement are not required for public facilities in support of economic development. Annual reports may be submitted in lieu of the financial statements and the cash flow analysis/pro forma statement if the company is publicly owned and traded and the company's historical financial condition is good.

"Full-Time Equivalent Job" shall mean 1950 hours of employment in a 12 month period.

"Grant" shall mean funds received through the Community Development Assistance Program.

"Grant Ceiling" shall mean the maximum amount of funds that an applicant may request in any one application.

"Grant Close Out" shall mean the formal process to document final expenditures, final program results, reconcile final cash payment to the grantee or refund to the grantor and to arrange for the release of liability to the parties of the contract.

"Grantee" shall mean any eligible applicant receiving funds under this program.

"HUD" shall mean the U.S. Department of Housing and Urban Development.

"Illinois Company" shall mean a company that is either doing business in or has committed to do business in Illinois.

"Joint Application" shall mean an application submitted by more than one eligible applicant to complete a single project for the benefit of all those applying.

"Limited Clientele Activity" shall mean an activity that benefits exclusively a specific group (rather than all the residents of a particular area) presumed by HUD to be principally low- to moderate-income persons. This is considered to be 100 percent low- to moderate-income benefit.

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"Low and Moderate-Income Persons" shall mean those individuals in families where income is 80 percent or less of the county median family income. For economic development, the latest available HUD Section 8 family income limits will be used.

~~"Multi-Year Commitment" shall mean a project receiving a funding commitment from two to three program years allocations, with up to two years' funding committed by HUD in previous funding years.~~

"Program Income" shall mean income realized from grant-related activities. Grant-related activities are those eligible activities listed in Section 110.60(a) of this Part.

"Project" shall mean an activity or activities funded by the Community Development Assistance Program with Community Development Block Grant funds.

"Public Guaranteed Loan" shall mean a loan guaranteed by a public entity.

"Recaptured Funds" shall mean funds received from grant-related activities after the grant has been closed out with the Department.

"Resource Leveraging" shall mean a financial contribution. Leveraging may include machinery and equipment brought into the State from another state. The purchase price of underutilized land and buildings may be considered as leveraging as long as the land and/or buildings are functionally and geographically related to the proposed project (e.g., building will accommodate proposed activities, property is located within applicant's municipal jurisdiction, property will be utilized in the business operation, expanded space will house new employees). In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use will be considered. Applicants may count local funds used to pay for salaries of employees administering the project as resource leveraging. Any expenditure of funds prior to grant award or lines of credit will not be considered leveraging. In addition, existing in-state equipment, buildings, furnishings, and inventory already owned and paid for by the applicant or the entity on whose behalf the applicant is applying prior to grant award will not be counted as leveraging. Contracts for deed without a due and payable clause or which is an apparent substitute for simple rent shall not be counted as resource leveraging.

"Self-Evaluation/Transition Plan" shall mean a formalized process for identifying and surveying community facilities, determining if

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NOTICE OF PROPOSED AMENDMENTS

physical barriers exist, and developing solutions for overcoming those barriers.

"Special Set-aside Funds" shall mean a separate allocation to fund projects. The need for funds must arise outside the normal funding cycle and require immediate attention.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.40 Federal/State Program Objectives

a) In order to ensure that the State ~~state~~ administered program complies with ~~meets-the intent-of~~ the Housing and Community Development Act of 1974, as amended, a CDAP assisted activity must meet one or more of the following national objectives as required by Section 104(b)(3) of the Act ~~Congress has required that federal-state-administered programs meet-at least one of the following three national objectives:~~

- 1) Benefiting low and moderate-income persons;
 - 2) Aiding in the prevention or elimination of slums and/or blight; or
 - 3) Meeting other community development needs that pose a serious and immediate threat to the health and welfare of the community.
- b) To complement these federally mandated national objectives, the State has established the following specific objectives for the Community Development Assistance Program:

- 1) Strengthening community economic development through the creation of jobs, stimulation of private investment, and strengthening of the tax base;
- 2) Alleviation of economic distress and realizing community economic development opportunities of benefit for low and moderate-income individuals;
- 3) Improvement of Public infrastructure and elimination of conditions which are detrimental to health, safety, and public welfare;
- 4) Conservation and expansion of the State's ~~state's~~ housing stock in order to provide a decent home and a suitable living environment for persons of low and moderate-income and persons with disabilities ~~the developmentally disabled~~.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.60 Eligible/Ineligible Projects and Activities

- a) Eligible Projects and Activities - Eligible activities are detailed in 24 CFR 570.482 (1992) ~~24-CFR-570-201-(1988)~~. Activities assisted by this program may include the following:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Economic Development - provision of assistance to private for-profit or not-for-profit businesses for such activities as land acquisition; public facilities and improvements in support of economic development (such as, water, sewer and utility lines); acquisition, construction, rehabilitation of commercial and industrial buildings/facilities; machinery and equipment; furnishings and fixtures; and working capital expenses.

- 2) Public Facilities and Improvements - acquisition, construction, reconstruction, rehabilitation or installation of public facilities, and improvements eg.g., water and sewer facilities, including storm sewers, ~~solid-waste-disposal-facilities~~; flood retention and drainage facilities.

- 3) Housing Rehabilitation and Preservation - provision of assistance in support of low to moderate-income housing, including rehabilitation, clearance, demolition, and/or removal of privately-owned buildings and provision of site improvements such as connection of residential structures to water or sewer lines; certain types of housing modernization; temporary relocation assistance; and code enforcement.

- 4) Planning Assistance - planning activities which focus on the needs of low- and moderate-income persons in the community, including feasibility studies, data gathering, analyses, preparation of plans, and identification of implementing actions.

- 5) Removal of Architectural Barriers - structural improvements to government-owned buildings to remove physical barriers that restrict the mobility and accessibility of elderly and disabled persons in order to comply with the Americans with Disabilities Act, e.g., curb cuts necessary to access local government buildings, modifications to entrances and exits, parking improvements, modification of restroom facilities, and signage.

- 6) ~~+~~ The remaining major eligible cost category under the Community Development Assistance Program is general program planning and administration. This area covers the local government operational costs of implementing a local program. It includes costs involved in preparing the environmental review; preliminary engineering, planning, and design fees for the project; the cost of the local program audit; and other contractual costs for professional services that are associated with the administration of the program. It excludes all pre-program costs, such as payment or reimbursement of application preparation fees, costs associated with conducting a local survey, etc. There is a 10% ceiling placed on general program planning and administration costs for any local program.

- b) Ineligible Projects and Activities -

- 1) Generally, any type of activity not described or referred to in Section 110.60(a) is considered ineligible. ~~Ineligible activities are detailed in 24-CFR-570-201-(1988)~~.

- 2) The following is a selective list of examples of projects and

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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activities that are generally ineligible: buildings used predominantly for the general conduct of government (e.g., city halls, courthouses, jails, police stations, etc.). This does not exclude removal of architectural barriers and historic preservation. General government expenses; political activities; purchase of construction equipment and purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. However, CDAP funds may be used to purchase or to pay depreciation or use allowances for such items when necessary if the administration of activities was assisted with CDAP funds. The costs associated with operating and maintaining public facilities and services are generally ineligible. New housing construction is ineligible, except as provided under the last resort housing provision set forth in 49 CFR 24 (1989) 24-EP-42 (1983), or, when carried out by a subrecipient pursuant to 570.204(a)(2) of the Act; income payments for housing or any other purpose (e.g., income maintenance, housing allowances, down payments, mortgage subsidies, etc.). All activities as listed in 24 CFR 570.482 (1992) and Section 105(a) of the Act Part--570-201 through 206-(1988) are eligible.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.70 Grant Application Process

a) Upon request, the Department of Commerce and Community Affairs will supply local governments with an application package. Applicants shall complete the package in accordance with the instructions and schedule annually established by the Department.

b) Pursuant to 24 CFR 570.486(5), applicants must provide for two public hearings, each at a different stage of the project to obtain citizen views.

1) A minimum of one public meeting must be held prior to the submission of any application to the Department. This meeting, and its specific time, location, and topic(s) must be published at least seven days in advance in the non-legal section of a newspaper that is in general circulation within the community. Subsequent to such meeting(s), a resolution of support from the local governing body must be passed that authorizes the local government to apply for funds. If an applicant plans to utilize grants funds as a loan mechanism, discussion should be held at the public meeting to determine the planned uses of the recaptured funds.

2) Should an applicant be awarded a grant, the applicant Applicants must provide evidence (i.e., newspaper clipping of notice hearing and a summary of comments presented at hearing) that one public

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hearing was conducted to review program performance under that grant on at least an annual basis prior to the applicant's first application submitted in any program year. This is in addition to the public hearing specified in subsection (b).

c) Applicants must submit a plan for minimizing displacement regardless of how CDAP funds are used pursuant to Section 104(d) of the Housing and Community Development Act of 1974, as amended 24-EP-606(b) (1988).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.80 Funding

a) Distribution of Funds - Distribution of grant awards will be made according to the application evaluation process described in Sections 110.91, 110.92, 110.93, 110.94, 110.95, 110.100, 110.101 and 110.102 (1988) of this Part.

b) Other Funding Considerations

1) Grant Ceilings: Grant ceilings establish the general limits that may be requested. The Department shall employ the factors listed in subsection (b)(1)(D) in authorizing a higher grant ceiling for a particular project. Individual grants will be funded only in amounts commensurate with the requirements of the proposed projects. The Department will set the following grant ceilings for applicants:

A) Components	Grant Ceiling
i) General Economic Development	\$500,000 \$400,000
ii) Competitive Public Facilities	\$400,000
Design Engineering	\$50,000
iii) Competitive Housing Rehabilitation	\$400,000
iv) Set-Aside for Emergency Public Facilities	\$100,000
v) Removal of Architectural Barriers	\$150,000
vi) Small Business Financing	\$100,000
vii) Planning	\$25,000
B) Local governments may receive only one grant award under the program components of Competitive Public Facilities and Competitive Housing Rehabilitation, Competitive Removal of Architectural Barriers, and Competitive Planning Assistance. They and they are limited to submitting one application under the Competitive Public Facilities and the Competitive Housing Rehabilitation components in any one program year.	
C) On occasion, the Department will review the technical feasibility of a project. If the review requires non-Departmental expertise (e.g., water and sewer permits),	

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the Department will coordinate with other agencies (e.g., Environmental Protection Agency (EPA), Department of Public Health (DHP), Farmers Home Administration (FmHA)) to review the technical feasibility of the project.

D) In determining appropriate individual grant amounts the Department shall consider the following:

- i) Project Need - Project need shall be determined using standards found in Sections 110.90(b)(3); 110.91(b)(3)(A), (C), (D), and (E); 110.92(b)(3); 110.93(b)(3); 110.94(b)(3); 110.95(b)(3); 110.100(c); 110.101(b); and 110.102(b) ~~110-105~~, as applicable.
- ii) Ability to Carry Out the Project - Determination of the ability to successfully complete the proposed project shall be based upon elements such as previous program performance, experience, and scope of the proposed program.
- iii) Proposed Activities - A review of the proposed activities shall be based on a determination of whether the program objectives will be met through the proposed activities as set out in Sections 110.90, 110.91, 110.92, 110.93, 110.94, 110.95, and 110.105.

E) The Department may withdraw a commitment of funds if it is determined that a project will not progress. The conditions under which this shall occur are listed in 47 Ill. Adm. Code 1.110.

2) Standards for Program Category Allocation: The Department shall determine the amount of funds annually allocated to carry out activities in accordance with each of the community development assistance program categories. Need expressed by interested citizens and local elected officials pursuant to Section 110.10(b)(2)(C), the amount of annual allocation, and a review of past program component usage shall be factors in determining the amount of funds annually allocated to carry out activities. The allocation of funds between program components shall be determined from the following allocation ranges:

- A) Set-Aside for Emergency Public Facilities -- ~~1%~~ ~~3%~~ - 20%
- B) ~~Small-Business-Financing-Fund-3%~~ - 20%
- B)~~et~~ Competitive Housing Rehabilitation -- 14% - 60%
- C)~~B~~ Competitive Public Facilities -- 40% - 60%
- D)~~et~~ General Economic Development -- 10% - 40% ~~40%~~ - 60%
- E) Removal of Architectural Barriers -- 1% - 10%
- F) Planning -- up to 1%

3) Environmental Clearances: Upon actual grant award, a technical review of non-exempt activities must be completed, if required under 24 CFR 58 (1984). HUD has published Environmental Review Procedures for the Community Development Block Grant (24 CFR 58).

4) On-Site Visits: The Department's program staff may ~~will~~ conduct field visits of potential grantees under the Competitive Public

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Facilities and Competitive Housing Rehabilitation components prior to final grant decisions.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.91 General Economic Development Component

The general economic development component is available to assist communities to attract or expand private businesses ~~local-industry~~. The program provides low interest subordinate loans (at below prime rate then current in the major money centers) ~~or public-infrastructure-grants~~ to projects that create or retain jobs primarily for low to moderate-income workers. The loan term and amortization schedule shall be flexible and consistent with the economic life of the asset being purchased. Public infrastructure grants may also be made. This assistance can benefit ~~be-made-to~~ both private "for-profit" and "not-for-profit" organizations. Funds will be made available on an as needed basis on a noncompetitive process until all funds are obligated.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

- 1) At minimum, 51 percent of those benefitting from the project will be low to moderate-income persons (as defined in Section 110.30 of this Part).

A) The benefit of job creation shall be documented in either one of two ways:

- i) Obtaining and keeping on file for verification the Family Income Verification Form which includes an employee's social security number, signature and family income; or
- ii) Accepting employment referrals from the Job Training Partnership Act (JTPA).

B) The benefit of the job retention of existing employees shall be documented by completing a Family Income Verification Form for each employee. These forms must be submitted at the time of application.

2) The financial feasibility of the project and how program objectives will be met through proposed activities. Participating businesses must submit supporting financial data.

3) If a start-up project is proposed, a 20 percent commitment of equity included in the leveraging, unless waived by the Director.

4) For public infrastructure projects in support of economic development, when the improvements are to take place in an area that is residential in character, that the area is comprised of at least 51% low to moderate-income persons. ~~Applicants must further certify that any future look-ups to the public improvements made with program funds will benefit primarily low to moderate-income persons (51% or more) pursuant to 24-6PR 570-208-1900.~~

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b) Application Review and Approval

- 1) Funds will be made available on an as needed basis throughout the year.
- 2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part. Complete applications shall be reviewed and evaluated by Department staff. Applicants shall be notified of deficiencies and given the opportunity to correct such deficiencies through submission of additional documentation.
- 3) The evaluation of projects shall be conducted to assure compliance with 24 CFR 570.203 (1992) (1988) and shall also address the following criteria:
 - A) Project Need - Need for and use of program funds should be detailed. This evaluation shall include a review of all sources and uses of funds and an analysis of the borrower's ability to repay the funds and the need for and extent of public funding.
 - B) Project Readiness - The applicant must demonstrate project readiness through a description of all activities. This shall include commitment from all lenders and investors, signed and dated.
 - C) Financial Evaluation - The company's financial statements for the past three years and a projected earnings statement shall be reviewed to determine: liquidity/debt coverage; ability of the company to manage debt; business trends; and projected earnings. This data shall be compared to similar data for companies in the same industry using the "RMA Annual Statement Studies" published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178 (1988), or a comparable source if such industry is not evaluated by this source. Financial statements for the past 3 years and a projected earnings statement are not required for public facilities in support of economic development. Annual reports may be submitted in lieu of financial and projected earnings statements if the company is publicly owned and traded and the company's historical financial condition is good.
 - D) Commitment for Job Creation/Retention - Firm written assurances from the company must identify the number of jobs created/retained in a specified period of time and the specific number that shall be low to moderate-income and the methodology to be used to document low to moderate-income benefit. This review shall also include a determination of the numbers of jobs created/retained in relation to the amount of program funds. ~~Preference is given to projects showing a program investment of \$57,000 per job. The investment per job shall not exceed \$10,000 per job.~~
 - E) Resource Leveraging - The ratio of other (non-department

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CDAP) funds to total CDAP funds being invested in the project will be considered. The evaluation threshold is a 2:1 ratio. The CDAP investment shall not exceed a 1:1 ratio.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: REVOLVING LOAN FUNDS

Section 110.230 Recapture Strategy Requirements

As a condition of approval for releasing CDAP funds, each grantee undertaking a RLF program for local economic development shall submit for Department approval an RLF Plan, also known as a "Recapture Strategy", pursuant to Section 110.210 (b) of this Subpart. This plan shall describe the policies and procedures governing the RLF and provide sufficient information to assure the Department that the RLF shall be administered in conformance with this Subpart. The elements listed below shall be included in the RLF Plan:

- a) RLF Goals and Objectives: A clear set of goals and objectives for the RLF shall be developed. These goals and objectives shall serve as a basis for the development of an organizational strategy and operating plan.
- b) RLF Strategy: A strategy shall be developed which describes how the RLF will achieve the stated goals and objectives. This strategy shall include:
 - 1) A description of the eligible uses of the funds.
 - 2) A description of the geographic area within which the funds will be loaned.
 - 3) A description of the RLF's targeting strategy (e.g., retention of traditional industrial base firms, start-up firms, minority and women-owned businesses). The RLF's business targeting strategy shall tie closely with its economic development goals and objectives.
- 4) ~~A description of how the applications will be targeting the identified strategy.~~
- c) RLF Management Plan: A system for effectively managing the RLF shall be developed. This system shall:
 - 1) Describe the loan decision-making process, including any advisory bodies or loan review committees.
 - 2) Identify how the RLF will be staffed. The lending staff shall have expertise in financial analysis and packaging.
 - 3) Describe how the loans will be serviced and monitored to hold the borrower accountable for receiving public benefit.
- d) Assurances: A RLF recapture strategy shall be developed which includes the following assurances:
 - 1) No more than 10% of the annual revenue to the RLF shall be used for administration of the RLF funds and such costs shall be

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documented.

- 2) Assistance provided with RLF funds shall result in at least a 51 percent benefit to low and moderate-income persons and such benefit shall be documented.
- 3) The grantee shall agree to report semi-annually quarterly to the Department regarding the status of the RLF.
- 4) All changes to the recapture strategy shall be submitted to the Department for approval prior to their implementation.
- 5) The grantee shall agree to pursue legal remedy to recover delinquent loans. Legal action shall include that authorized by federal and State state law, including, but not limited to, efforts to collect and pursue the interests of the RLF through bankruptcy court.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.260 Requirements for RLF Projects

- a) Each RLF project shall create or retain at least one job for every \$10,000 of RLF investment of CDAP funds.
- b) Job creation attributable to CDAP RLF funds shall take place within twelve months after the disbursement of funds.
- c) For each RLF project that results in job creation, documentation shall be obtained and maintained in the local files, pursuant to Section 110.91(a)(1)(A)(i) and (ii) of Subpart A, which verifies that at least 51% of these new employees benefiting from the project are low and moderate-income persons.
- d) For each RLF project that results in the retention of jobs, documentation in the form of employee income certifications shall be maintained in the local files submitted-to-the-Department, pursuant to Section 110.91(a)(1)(B) of Subpart A, which verifies that a minimum of 51% of the jobs retained are held by low and moderate-income persons at the time the loan is made.
- e) A minimum leverage ratio of \$1 non-CDAP funds: \$1 CDAP RLF funds shall be obtained for each RLF project. RLF funds shall not comprise more than 50% of the financing for any project.
- f) All RLF projects shall be conducted within the geographical jurisdiction specified in the approved RLF Plan.
- g) All businesses receiving or benefiting from RLF funds shall satisfy the requirements of Section 110.91(b)(3)(A), (B) and (C) of Subpart A.
- h) Each project shall meet the eligibility requirements of Section 105 of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.280 RLF Fundability Analysis

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Each RLF shall have a standard RLF loan application. The RLF administrator shall conduct a review and maintain documentation for each RLF application to support that minimum program requirements have been satisfied pursuant to Sections 110.250 and 110.260 of this Subpart and fundability consistent with the following:

- a) Financial Feasibility Evaluation - The RLF applicant shall submit supporting financial data which at a minimum shall include the following information:
 - 1) A brief history of the business and past employment growth.
 - 2) Market Information on the business' products or services and identification of existing and potential major customers and competitors.
 - 3) Three years historical financial statements which consist of: a balance sheet, profit and loss statement and a reconciliation of net worth. This information shall cover three years, as well as the most recent 90 days. Accountant's notes or detailed notes, in those instances in which the statement is not audited, shall be included with the statement.
 - 4) Prior three years of tax statements for those small businesses with no formal financial statements.
 - 5) Personal financial statement of each principal (proprietor, partner, officer, stockholder) owning 20 percent or greater share of the outstanding stock in the business, as well as a brief personal history statement for each.
 - 6) Projected earnings report which includes a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. Base assumptions shall also be included.
 - 7) Business plan and/or market feasibility information which addresses business products or services and identifies existing and potential major customers and competitors.
 - 8) Financial statements of the general partners, if a business is a limited partnership. If a business is a corporate general partner, the personal and corporate financial statements of the general partner shall be submitted.
 - 9) A list of major equipment or classes of equipment to be acquired. For acquisition of new machinery and equipment, reliable vendor cost estimates shall be provided. For used machinery and equipment acquisition, an appraisal shall be provided which demonstrates that the fair market value is in line with the purchase price.
 - 10) A detailed explanation of the need for and specific use of working capital. If used for inventory, a list with supporting cost estimates shall be provided.
 - 11) A list of all sources of leveraging documented by written letters of commitment. Loans from financial institutions used as leverage shall indicate approval as well as the loan amount, the specified term and rate, collateral, and conditions attendant to

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the loan. Equity contributions shall be documented through signed letters from the benefiting business.

- 12) Documentation of the legal status of the borrower and authorization to enter into the loan, e.g., Articles of Incorporation, Secretary's Certificate, Certificate of Good Standing, etc.

- 13) A letter verifying the number of jobs to be created and/or retained, including the number to be filled by low and moderate-income persons and the specific time period over which this will occur.

- b) Determination of Need - Documentation shall be maintained by the RLF administrator to verify that the RLF application review procedures include criteria to determine if RLF funds are necessary. Such criteria shall consist of the following elements:

- 1) Evaluation of Project Costs - All costs associated with the project shall be verified prior to making a funding determination and establishing a funding level. Third party cost estimates shall be obtained to document all project costs. If a grantee does not use third-party quotations to verify cost elements, then the grantee shall conduct its own cost analysis using appropriate cost estimating manuals or services.

- 2) Verification of Other Funding Sources - At a minimum, the loan applicant shall show evidence, in the form of a bank commitment letter, of the level of financing that a bank will commit. This review shall also include an analysis of the private equity available to be committed to the project. All sources of funding shall be firmly committed in writing and maintained in the loan file. All units of local government with existing RLFs shall utilize all available RLF funds prior to requesting funds through CDAP.

- 3) The grantee shall review the applications to ensure that, to the extent practicable, CDAP funds will not be used to substantially reduce the amount of non-RLF financial support for the activity. To reach this determination, the grantee shall conduct a financial analysis of the project, including review of the appropriate projections of revenue, expenses, debt service and return on equity investments. The extent of the review shall be appropriate for the size and complexity of the project and use industry standards for similar projects, taking into account the unique factors of the project such as risk and location.

- 4) Return of Equity Investment - To the extent practicable, the RLF-assisted activity shall not provide more than a reasonable return on investment to the owner of the assisted project.

- 3*) Justification for RLF Assistance - At least one of the following requirements shall be met in order to justify RLF assistance:
 - A) The application shall demonstrate that the loan applicant can raise only a portion of the necessary financing. A financing gap must exist between verified sources and uses;

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- B) The application shall demonstrate that a business is considering multi-state location options and that RLF funds are needed to equalize cost variation between sites. Documentation shall include cost disclosures for each site under consideration, or
- C) The application shall demonstrate that full financing is available but the rate of return is insufficient to induce the development to proceed. The RLF administrator shall analyze the verified costs and the projected return on investment (public and private) to determine whether the return after RLF assistance is the minimum amount necessary to induce the project to proceed.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.330 Recordkeeping and Reporting

- a) Grantees shall maintain all records of financial, programmatic and compliance activities. All documents which are associated with a loan review process shall be maintained on file by the grantee.

- b) All grantees shall submit semi-annual quarterly status reports to the Department. The January-June March report shall be due no later than July 15 April 15th; the April-June report shall be due no later than July 15th; the July-December September report shall be due no later than October 15th; and the October-December report shall be due no later than January 15th. Status reports shall include the following information:

- 1) Date submitted;
- 2) Name, title and telephone number of person(s) preparing report;
- 3) Report period;
- 4) Name of the unit of local government;
- 5) Name of county;
- 6) Name of assigned Department compliance review staff;
- 7) For each Department-funded CDAP loan, the following:
 - A) Grant number;
 - B) Date of loan;
 - C) Initial loan amount;
 - D) Total amount to be recaptured, broken out by principal and interest;
 - E) Total amount recaptured to date, broken out by principal and interest;
 - F) Loan status (i.e., current (yes/no));
 - G) If a loan is not current, date of last payment;
 - H) A list of CDAP loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;
- 8) For each loan made out of the RLF, the following:

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- A) Date of loan;
 B) Name of company;
 C) Initial loan amount;
 D) Total amount to be recaptured, broken out by principal and interest;
 E) Total amount recaptured to date, broken out by principal and interest;
 F) Loan status (i.e., current (yes/no));
 G) Number of jobs created/retained per loan;
 H) Number of jobs created/retained per loan for low and moderate-income persons;
 I) Source and amount of other financing;
 J) If a loan is not current, date of last payment;
 K) A list of RLF loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;
- 9) Totals for information listed in subsections (b)(7)(E), (b)(8)(C) and (b)(8)(E) shall be included in the following computation: Total CDAP loan principal recaptured plus total CDAP loan interest recaptured minus total amount of revolving loans made minus eligible infrastructure expenditures minus eligible administrative expenses plus interest earned on deposits. The formula allows the grantee to determine the total amount in their RLF. This figure shall match the balance shown on the grantee's bank statement at the end of the report period. A copy of the bank statement shall be attached to the quarterly report;
- 10) A copy of the amortization schedule which relates to each loan; and
- 11) Signature of the chief elected official for the unit of local government certifying that information contained in the report is true and correct and is supported by documentation on file at their office.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.340 Department Monitoring

- a) The grantee shall be responsible for operating the RLF in accordance with the terms of their CDAP grant agreement(s) and their RLF Plan.
- b) The grantee shall permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any documents, papers, and records of the grantee and the RLF relating to transactions of the RLF.
- c) The Department shall monitor RLF programs using on-site visits, semi-annual quarterly status reports submitted by the grantee, disbursement transactions and other contacts with the grantee as

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- necessary:
- d) Department monitoring procedures shall concentrate on loan evaluation and decision-making as well as servicing and monitoring of RLF loans. The grantee shall remain responsible for the actions, compliance and recordkeeping of its administrator. Grantee communities are responsible for establishing a system to monitor the performance of their RLF administrator.
- e) The grantee or RLF administrator shall conduct at least one on-site monitoring visit of each RLF loan recipient to verify job creation and retention, low and moderate-income benefit, documentation of expenditures, and compliance with the other terms and conditions of the loan agreement before closing out a project and shall maintain documentation of the visit.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 110.360 Program Income Subject to the Act

- a) Any program income (as defined in Section 110.220 of this Subpart) that the Department has permitted a grantee to retain and that is realized while the grantee has an open CDAP grant is subject to the requirements of the Act and 24 CFR 570.
- b) Program income retained by the grantee and generated from a grant award prior to October 28, 1992 is not subject to the Act and 24 CFR 570 under the following conditions:
- 1) The CDAP grant which generated the income is closed. For purposes of this Subpart, a closed project is defined in Section 110.220 of this Subpart; and
- 2) All concurrent CDAP grants are closed.
- c) Program income retained by the grantee, and generated from a grant awarded after October 28, 1992 is subject to the Act and 24 CFR 570.
- d) If the grantee's CDAP grant records are not sufficient to determine when program income was earned in relation to close-out of the grantees' CDAP projects, those RLF funds shall be considered subject to the Act.
- e) Regardless of when the program income is earned, the RLF shall always be subject to the requirements of the approved recapture strategy and each beneficiary of funds through the RLF shall benefit at least 51% low and moderate-income persons.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology

2) Code Citation: 32 Ill. Adm. Code 401

3) Section Numbers:

401.10	<u>Proposed Action:</u>
401.60	Amendment
401.70	Amendment
401.80	Amendment
401.100	Amendment
401.160	Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to:

- (1) extend the scope to include persons who apply ionizing radiation to human beings for human research purposes;
- (2) delete the practical examination requirement;
- (3) clarify the testing standards for training students in limited radiography;
- (4) require accredited technologists to notify the Department in writing of any name or address change; and
- (5) make formatting changes to meet the requirements of the Joint Committee on Administrative Rules.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments

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should be submitted to:

Thomas J. Carlisle
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
217/785-9884 (voice)
217/782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
This amendment will require accredited technologists to notify the Department in writing of any change in name or mailing address.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the changes to Part 401 were not anticipated before the last regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY

Section	Policy and Scope
401.10	Definitions
401.20	Exemptions
401.30	Application for Accreditation
401.40	Categories of Accreditation
401.50	Examination Requirements
401.60	Acceptable Examinations
401.70	Approved Program
401.80	Practice Requirement - Initial Licensure (Repealed)
401.90	Initial Issuance of Accreditation
401.100	Duration of Accreditation
401.110	Suspension and Revocation of Accreditation
401.120	Fees
401.130	Requirements for Renewal of Accreditation
401.140	Reciprocity
401.150	Additional Requirements for Radiographers Performing Mammography
401.160	Civil Penalties
401.170	Limited Diagnostic Radiography Procedures by Type of Limited Accreditation
APPENDIX A	Example Topics Directly Related to Radiologic Sciences
APPENDIX B	Minimum Training Requirements for Radiographers Performing Mammography
APPENDIX C	

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 13, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. _____, effective _____.

DEPARTMENT OF NUCLEAR SAFETY

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Section 401.10 Policy and Scope

- a) This Part establishes educational standards and an accreditation program applicable to persons who apply ionizing radiation to human beings. Specifically, this Part provides:
- 1) Minimum standards of preparatory education and experience for persons who apply ionizing radiation to human beings in the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology and chiropractic radiography.
 - 2) Examination requirements for certain categories of accreditation.
 - 3) Continuing education requirements for renewal of accreditation.
- b) This Part shall apply to any person who applies ionizing radiation to human beings for diagnostic, or therapeutic or human research purposes in this State or who otherwise engages in the practice of medical radiation technology in this State unless specifically exempted by the Act or under Section 401.30 of this Part. This Part shall also apply to persons who are not appropriately licensed under other statutes or regulations and who supervise students for purposes of instructing them while applying ionizing radiation to human beings.
- c) The Board may propose to the Department of Nuclear Safety such regulations as it deems to be appropriate for purposes of fulfilling the policy and scope of the accreditation program.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 401.60 Examination Requirements

- a) Active - Persons who seek active status accreditation in medical radiation technology must pass a written examination as appropriate to the category of accreditation sought in accordance with Section 401.70 of this Part.
- b) Temporary - Persons who seek active status accreditation and are awaiting the successful completion of an examination in accordance with Section 401.70 of this Part may apply for and be issued temporary accreditation. Temporary accreditation shall be valid until the person has passed the appropriate examination and has applied for and been issued active status accreditation. In no case shall temporary accreditation be valid for more than two years from the date of issuance.
- c) Conditional - Examination shall not be required for conditional accreditation.
- d) Limited Diagnostic Radiographer-Chest - Persons who seek accreditation to perform radiography of the chest, but not any other parts of the body, must pass a written examination on general radiography topics and a written ~~or practical~~ examination on chest anatomy and clinical skills required to perform radiography of the chest in accordance with Section 401.70(c) of this Part.

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- e) Limited Diagnostic Radiographer-Extremities - Persons who seek accreditation to perform radiography of the extremities, but not any other parts of the body, must pass a written examination on general radiography topics and a written ~~or-practical~~ examination on anatomy of the extremities and clinical skills required to perform radiography of the extremities in accordance with Section 401.70(c) of this Part.
- f) Limited Diagnostic Radiographer-Skull and Sinuses - Persons who seek accreditation to perform radiography of the skull and or sinuses, but not any other parts of the body, must pass a written examination on general radiography topics and a written ~~or-practical~~ examination on anatomy of the skull and sinuses and clinical skills required to perform radiography of the skull and sinuses in accordance with Section 401.70(c) of this Part.
- g) Limited Diagnostic Radiographer-Spine - Persons who seek accreditation to perform radiography of the spine, but not any other parts of the body, must pass a written examination on general radiography topics and a written ~~or-practical~~ examination on anatomy of the spine and clinical skills required to perform radiography of the spine in accordance with Section 401.70(c) of this Part.
- AGENCY NOTE: Persons may seek accreditation in more than one status condition of limited diagnostic radiography.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 401.70 Acceptable Examinations

- a) The Department shall accept for issuance of Active Status Accreditation examinations as identified by this Section. Accreditation shall be specific to the category of examination as specified in subsection (b) of this Section.
- b) Examinations as appropriate to category of accreditation are as follows:

- 1) Medical Radiography
A - The American Registry of Radiologic Technologists (R) (A.R.R.T.), or

AGENCY NOTE: Graduation from an approved program as set forth in Section 401.80(a) of this Part is a prerequisite for sitting for the A.R.R.T. examination.

- B) The American Registry of Clinical Radiography Technologists (A.R.C.R.T.) provided that the applicant passed the A.R.C.R.T. examination after January 1, 1991, and the applicant has graduated from an approved program as set forth in Section 401.80(a) of this Part.

- 2) Nuclear Medicine Technology
- The American Registry of Radiologic Technologists (N) (A.R.R.T.), the Nuclear Medicine Technology Certification Board (N.M.T.C.B.), the American Society of Clinical Pathologists (NM)

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- (A.S.C.P.).
- 3) Radiation Therapy Technology
- The American Registry of Radiologic Technologists (T) (A.R.R.T.).
- 4) Chiropractic Radiography
- American Chiropractic Registry of Radiologic Technologists (ACRRT), provided that the examination was administered after June 30, 1984.
- c) Examinations in Limited Diagnostic Medical Radiography - Applicants for accreditation in one or more areas of limited diagnostic radiography shall have passed a written examination on general radiography topics and a written ~~or-practical~~ examination specific to the type of limited accreditation sought. All written examinations shall be approved by and scheduled through the Department. The passing score for written examinations shall be a scaled score of 75 percent. All ~~practical~~ examinations shall cover items prescribed by the Department. ~~Practical examinations may be administered by a technologist who holds active accreditation in radiography and is a full-time faculty member of an approved program as defined in Section 401.80 or by a licensed practitioner, certified as a radiologist by the American Board of Radiology, the American Osteopathic Board of Radiology, or the American Chiropractic Board of Radiology. Practical examinations shall be graded on a pass/fail basis on forms provided by the Department.~~
- d) For Active Status Accreditation, examinations by other certifying organizations shall be accepted upon written request to the Department, provided that the Department finds that the certifying organization has met the National Commission for Health Certifying Agencies (NCHCA) requirements. (Publication Title: Perspectives on Health Occupational Credentialing) Contract # 232-78-0187, dated September 30, 1979, DHHS Publication No. (HRA) 81-4, U.S. Government Printing Office, Washington, D.C. 20402.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 401.80 Approved Program

- a) The Department shall base its approval of didactic and clinical education for Medical Radiography, Nuclear Medicine Technology, or Radiation Therapy Technology on the standards accepted by the United States Department of Education. ~~Committee on Allied Health Education and Accreditation (CAHEA)~~ (Specific information concerning these standards is available from the Joint Review Committee on Education in Radiologic Technology (JRCERT), 20 North Wacker Dr., Chicago, IL 60606-2901 ~~Committee on Allied Health Education and Accreditation of the American Medical Association~~ and from the Department. These standards are entitled: Standards for Educational Programs in

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Radiological Sciences (1997) ~~Essentials-and-Guidelines-of--an-Accredited-Education--Program--for-the-Radiation-Therapy-Technologist (1993)-Essentials-and-Guidelines-of-an-Accredited-Educational-Program for-the-Radiographer-(1993);~~ Essentials of an Accredited Educational Program for the Nuclear Medicine Technologist (1991 1994), and do not include subsequent amendments or editions).

- b) The Department shall base its approval of didactic and clinical education in Chiropractic Radiography on the standards accepted by the Chiropractic Council on Education (CCE), published January 27, 1985, exclusive of subsequent amendments or editions. Specific information concerning these standards is available from the Department or from the Chiropractic Council on Education, 3209 Ingersoll Avenue, Des Moines, Iowa 50312. Student exemption for persons enrolled in an approved Chiropractic Radiography program shall not exceed 12 months. The Department shall base its approval of didactic and clinical education in Limited Diagnostic Radiography on standards contained in the "Curriculum Guide for Limited Permittee Programs", June 1987, exclusive of subsequent amendments or editions. Copies of these standards are available from the American Society of Radiologic Technologists, 15000 Central Avenue South East, Albuquerque, New Mexico, 87123. Students-in-training in Limited Diagnostic Radiography shall be registered with the Department on forms provided by the Department. Registration with the Department shall include application and payment of applicable fees for examination. Students-in-training in Limited Diagnostic Radiography shall not begin application of ionizing radiation to humans prior to the Department's approval of the student's proposed training as identified through the student-in-training registration process. The Department shall refuse to register an individual as a student-in-training when the party(s) responsible for the training of said student has demonstrated poor training of students as evidenced by either a cumulative failure rate in excess of 50 percent of the trainer's students or two consecutive students who fail the examinations specified in Section 401.70(c) of this Part. Such refusal shall not prohibit the trainer from training students in limited radiography through didactic and clinical education exclusive of the application of ionizing radiation to human beings. Successful examinations by students trained in such a manner may be used to demonstrate improved training and qualification for further students-in-training provided that the cumulative failure rate is reduced to less than 50 percent without two consecutive failures.
- d) If the employer is not identified as the party responsible for training the student, the Department shall register an individual as a student-in-training in the employer's practice only if the student is concurrently enrolled in a program that meets the minimum requirements for a training program in limited radiography established by the Joint Review Committee on Education in Radiologic Technology, published 1997 1996, by the Joint Review Committee on Education, 20 N. Wacker Drive, Suite 900, Chicago, Illinois 60606-2901. Students-in-training in

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Limited Diagnostic Radiography shall take the appropriate written or written and practical examinations not later than the eight month of training. Students shall not perform radiographic procedures beyond the 16 months of training unless the required examinations have been passed.

- e) All approved training programs shall include an overview of the Radiation Protection Act of 1990, this Part and related application forms and procedures.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 401.100 Initial Issuance of Accreditation

- a) The Department shall issue Active Status Accreditation in a category of medical radiation technology to persons who have passed an examination as indicated in Section 401.70(b) of this Part. Active Status Accreditation issued after January 1, 1988, shall be valid for two years from the date of issuance.
- b) The Department shall issue Temporary Accreditation in a category of medical radiation technology and chiropractic radiography to persons who are awaiting an examination in accordance with Section 401.70(b) of this Part and have completed an approved program. Applicants for Temporary Accreditation must provide specific evidence of the intent to take such an examination, the category of examination to be taken, and the date on which the examination will be taken. Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination. Temporary Accreditation shall be valid until such time as the individual successfully completes the appropriate examination and applies for and is issued Active Status Accreditation in accordance with subsection (a) of this Section, but in no instance longer than 24 ~~twenty-four-(24)~~ months from the date of issuance for medical radiation technology and no longer than 12 ~~twelve-(12)~~ months from the date of issuance for chiropractic radiography.
- c) The Department shall issue Conditional Accreditation Type I in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the Department will consult Health Systems Agencies or County or Local Health Departments, and will evaluate the availability of alternative radiology services and trained personnel. In addition, the Department shall require the applicant's employer or prospective employer to demonstrate that recruitment of qualified personnel, at competitive compensation, has been attempted and unsuccessful. Such demonstration can take the form of documented advertising in publications intended to reach radiologic technologists. If based on the information submitted, the Department determines that qualified personnel cannot be recruited, and that the

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people in the locality in which the conditional accreditation is sought would be denied adequate health care because of the unavailability of appropriately accredited persons, the Department shall issue Conditional Accreditation Type I which shall be valid for a period of 24 ~~twenty-four~~ months from the date of issuance.

- d) The Department shall issue Conditional Accreditation Type II in a category of medical radiation technology to any person who, 24 ~~twenty-four~~ months prior to July 1, 1989, was employed in medical radiation technology and who otherwise does not meet the qualifications for accreditation. Conditional accreditation issued pursuant to this Section shall be valid for two years from date of issuance. Issuance shall be contingent upon submitting a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Department in accordance with this Section shall specify the nature of the equipment and procedures which the individual is competent to utilize. The Statement of Assurance must be provided by a licensed practitioner under whose supervision the individual is employed or has been employed at some time within the last twelve months. Conditional accreditation which is issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. An individual who is accredited in accordance with this Section may expand the accreditation to additional procedures and/or equipment by receiving training in accordance with Section 401.30(c)(3) of this Part. After such training, the individual may submit an additional Statement of Assurance from a licensed practitioner under whose supervision the individual is employed as to the additional equipment and procedures which the individual is competent to utilize. However, an individual may not become accredited pursuant to the provisions of this Section for equipment or procedures outside of those in the category of initial accreditation. Nothing in this Section should be interpreted to limit an individual's right to make application for and be issued Active Status Accreditation in accordance with subsection (a) of this Section. The Department shall not issue Conditional Accreditation Type II as provided by this Section after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140 of this Part.
- e) The Department shall issue accreditation in one or more areas of Limited Diagnostic Radiography to persons who have passed examinations as indicated in Section 401.70(c) of this Part. Such accreditation shall be valid for two years from the date of issuance.

- f) All persons who have received accreditation from the Department pursuant to the terms of this Section shall provide notice in writing to the Department of any permanent or temporary change in their designated mailing address, or of any change in name due to marriage or for any other reason. Notification to the Department shall be made within 10 days after any such change. Failure of the accredited

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individual to forward such information to the Department, as required by this subsection (f), shall not be considered to be a valid cause for delaying any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Department. See "Notice, Service and Proof of Service", 32 Ill. Adm. Code 200.50(h).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 401.160 Additional Requirements for Radiographers Performing Mammography

- a) After September 18, 1992, in addition to meeting the accreditation requirements set forth in this Part, any medical radiographer who performs mammography shall have completed the required minimum initial training in mammography as identified in 401.140(b) of this Part prior to performing mammography.
- b) A medical radiographer who performs mammography procedures shall engage in continuing education directly related to mammography at the rate of 10 8 contact hours within each 24 month period after meeting the initial mammography training requirement. Subjects identified in 401.140(b) of this Part shall be considered directly related to mammography and may be utilized toward meeting the continuing education requirements of Section 401.140(b) of this Part.
- c) Programs, courses or other activities intended to meet the requirement for initial mammography training, or continuing education in mammography, shall be approved by the Department.
- d) Completion of initial mammography training, and continuing education in mammography, shall be verified to the Department.

AGENCY NOTE: For additional requirements for facilities who perform mammographic procedures see 32 Ill. Adm. Code 360.71.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 175
- 3) Section Numbers:
175.30
175.50
- Proposed Action:
Amendment
Amendment

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedures Act [5 ILCS 100/5-10].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to correct a cross-reference in Section 175.30 and change references in Section 175.50 to meet the format requirement of the Joint Committee on Administrative Rules.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local government to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Lyle J. Black
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The changes to Part 175 were not anticipated before the last regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

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TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER IV: DEPARTMENT OF NUCLEAR SAFETY

PART 175

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

- 175.10 Purpose
- 175.20 Definitions
- 175.30 Procedure
- 175.40 Designated Coordinator Level
- 175.50 Final Level
- 175.60 Accessibility
- 175.70 Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10].

SOURCE: Adopted at 16 Ill. Reg. 9129, effective June 2, 1992; amended at 21 Ill. Reg. _____, effective _____.

Section 175.30 Procedure

- a) Grievances shall be submitted in accordance with the procedures established in Sections 175.40 210-40 and 175.50 210-50 of this Part, in the form and manner described, and within the specified time limits. Time limits established in this Part are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure.
- c) The Department shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 175.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may, within 5 five-45 days after receipt by the complainant of the

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Designated Coordinator's response, submit a copy of the grievance form and Designated Coordinator's written response to the Director of the Department for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response.

- b) The complainant shall be afforded an opportunity to appear before the Director or the Director's designee. The complainant shall have a right to appoint a representative to appear on behalf of the complainant. The Director or designee shall review the Designated Coordinator's written response and may conduct interviews and seek advice as the Director or designee deems appropriate.
- c) If the Director appoints a designee for the procedure under subsection (b) of this Section ~~above~~, the designee shall present both his/her findings and the written response of the Designated Coordinator to the Director.
- d) The Director shall approve, disapprove or modify the recommendation(s) of the Designated Coordinator. Within 30 thirty-30 days after receiving the statement of dissatisfaction under subsection (a) of this Section ~~above~~, the Director shall render a decision thereon in writing, stating the basis for the decision and shall cause a copy of the decision to be served on the complainant and Designated Coordinator. If the Director disapproves or modifies the recommendation(s) contained in the written response of the Designated Coordinator, the Director shall include in the written decision reasons for such disapproval or modification. The Director's decision shall be final.
- e) The Department shall maintain the grievance form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the findings of the Director's designee, if any, and the Director's written decision in accordance with the State Records Act [5 ILCS 160] ~~that--Rev--Stat--1991--ch--1167--par--43-3-et-seq--} or as otherwise required by law.~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: The Structural Engineering Licensing Act of 19892) Code Citation: 68 Ill. Adm. Code 14803) Section Numbers:

1480.130 Proposed Action:
 1480.135 Amendment
 New Section
 1480.140 Amendment
 1480.170 Amendment
 1480.200 Amendment

4) Statutory Authority: The Structural Engineering Licensing Act of 1989 [225 ILCS 340].

5) A Complete Description of the Subjects and Issues Involved: Section 19 of the Act requires persons who desire to practice structural engineering in Illinois in the form of a partnership, limited liability company or corporation to register with the Department of Professional Regulation. This rulemaking sets forth the procedures and information required to register a professional design firm with the Department. The registration requirements also affect any sole proprietorship that operates under an assumed name.

Public Act 89-594, Section 350, effective August 2, 1996, added a requirement that an applicant for a structural engineer's license in Illinois who graduated from a structural engineering program outside the United States or its territories and whose first language is not English to submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule before taking the licensure examination. This rulemaking provides procedures for submitting such certification.

Section 9 of the Act authorizes the Department to require a foreign-educated applicant, at the applicant's expense, to have his/her education in a foreign country evaluated by a nationally recognized educational body. These proposed rules designate the American Association of Collegiate Registrars and Admissions Officers, Office of International Education, as a nationally recognized educational body.

Section 1480.130 of the rules is amended to give one year of credited experience to a graduate of a university certified cooperative that is a supervised industrial or field experience of at least one calendar year that alternates with periods of full-time academic training.

Added to the rules is a Section providing necessary procedures for applying to take the examination for enrollment as a structural engineer intern. Section 1480.140, pertaining to application for licensure by examination, is restructured to provide separate procedures for

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applicants enrolled as structural engineer interns and those not enrolled as interns.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of structural engineers.

B) Reporting, bookkeeping or other procedures required for compliance: Applicants who received their education in a foreign country will be required to have their education evaluated, at their expense, by the American Association of Collegiate Registrars and Officers. Each design firm corporation, limited liability company or partnership is responsible for notifying the Department of Professional Regulation within 30 days after any changes in membership or licensure status of members of the firm.

C) Types of professional skills necessary for compliance: Structural engineering skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480

THE STRUCTURAL ENGINEERING LICENSING ACT OF 1989

Section

1480.10 Statutory Authority (Repealed)
 1480.11 Licensure (Repealed)
 1480.20 Approved Education Qualifications (Repealed)
 1480.30 Approved Experience Qualifications (Repealed)
 1480.40 Renewals (Renumbered)
 1480.45 Granting Variances (Renumbered)
 1480.50 Restoration of Expired Certificate (Repealed)
 1480.60 Granting Variances (Renumbered)
 1480.110 Approved Structural Engineering Curriculum
 1480.120 Definition of Degree in Related Science
 1480.130 Approved Experience
 1480.135 Application for Enrollment as a Structural Engineer Intern by Examination
 1480.140 Application for Licensure by Examination
 1480.150 Examination
 1480.160 Restoration
 1480.170 Endorsement
 1480.180 Inactive Status
 1480.190 Renewals
 1480.200 Professional Design Firm Corporations-and-Partnerships
 1480.210 Standards of Professional Conduct
 1480.215 Structural Engineer Complaint Committee
 1480.220 Granting Variances (Renumbered)

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg. 14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective

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February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. _____, effective _____.

Section 1480.130 Approved Experience

- a) Every ~~Each-individual~~ application shall be reviewed by the Board to determine whether the applicant's experience ~~required-for-licensure~~ meets the requirements described in this Section. Approved experience shall have been acquired after receipt of the baccalaureate degree.
- 1) Credit for 1 one year of experience shall be given for completion of graduate study resulting in a master's or doctor's degree in structural engineering. The course of study shall include a minimum of ~~at-least~~ 8 semester hours, or their equivalent (e.g., 12 quarter hours), of structural analysis, behavior or design courses.
 - 2) The maximum credit for graduate study shall be 1 one year.
 - 3) Credit for 1 year of experience shall be given for a graduate of a university certified cooperative program that is a supervised industrial or field experience of at least 1 calendar year which alternates with periods of full-time academic training. Such supervision shall be by a U.S. licensed engineer legally practicing structural engineering.
 - 4)3) Credit for all required experience or any remaining experience as set forth in Section 1480.140 shall be given for actual experience in the practice of structural engineering under the employ or immediate supervision of a U.S. licensed engineer legally practicing structural engineering. Such experience shall require the application of technical knowledge and structural engineering principles.
 - 5)4) Each applicant shall submit evidence of at least 2 years of engineering experience in a position of responsible charge while in the employ of or under the immediate personal supervision of a U.S. licensed engineer legally practicing structural engineering. In this category the applicant shall have directed the work, with responsibility for the successful accomplishment of the work, including demonstrated capability of making independent technical decisions to fulfill a structural engineering duty and being accountable for the performance of those duties.
 - 6)5) Credit for a maximum of 3 years of the experience required for licensure shall be given for the full-time teaching of upper division junior/senior courses or graduate courses in structural engineering as a part of, or in conjunction with, an approved engineering curriculum as set forth in Section 1480.110. An academic year of full-time teaching (2 semesters, or 3 quarters) at a level of assistant professor, or higher, shall be considered equivalent to 6 months of the experience required for licensure. This teaching experience shall be fully documented, and certified by an affidavit from the department chairman, or dean, of the

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engineering curriculum involved. Applicants qualifying under this subsection are exempt from the requirement of subsection (a)(5) of this Section 4.

- b) While an applicant may receive either experience credit, education credit, teaching credit, or a combination of these, such applicant shall not receive more than 1 one year's total credit for any 1 one year (i.e., overlapping experience, education or teaching shall be credited to only 1 one category).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1480.135 Application for Enrollment as a Structural Engineer Intern by Examination

- a) An applicant for enrollment as an Structural Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:

1) Either:

- A) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. Official college transcript showing all coursework completed and conferral of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; or
- B) A degree in a related science as set forth in Section 1480.120. Official college transcript showing all coursework completed and conferral of a bachelor of science degree in a related science; and completed experience verification form(s), indicating the required 4 years of approved experience.

- i) An applicant shall have acquired the experience required by this Section after conferral of the degree and prior to applying to the Department.

- ii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1480.110 and 1480.120.

- 2) The required fee specified in Section 17 of the Act;

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- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of such participation with a brief description of the program, from the university and verification of supervision;
- 4) A complete work history indicating all employment since receipt of a baccalaureate degree; and

- 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

- b) Upon receipt of the application and all supporting documentation in complete order:

- 1) Persons with degrees from an engineering program that has been reviewed and approved by the Board will be reviewed by the Board and notified of their eligibility to register for the Fundamentals of Engineering Examination.

- 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required education and experience based on the criteria specified in Sections 1480.110 and 1480.130. Once the applications have been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering Examination, the examination filing deadline and the required examination fee as provided for in Section 17 of the Act.

- c) The Fundamentals of Engineering Examination will be waived for individuals who have taken and passed the Fundamentals of Engineering Examination for licensure as an Engineer Intern or Professional Engineer.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1480.140 Application for Licensure by Examination

An applicant for licensure by examination shall file an application--on--forms provided--by--the--Department--by--November--15--for--the--spring--examination--or--by--May--15--for--the--fall--examination--The application shall include the following:

- a) Applicant enrolled as a Structural Engineer Intern or Engineer Intern
- 1) An applicant shall have acquired all experience required by Section 1480.130 prior to making application to the Department.
- 2) An applicant for licensure as a structural engineer who is enrolled as a Structural Engineer Intern or Engineer Intern shall file an application on forms supplied by the Department by

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November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:

A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in a related science, experience verification form(s) shall be completed for the entire 8 years of required experience as set forth in Section 1480.130.

B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in Illinois or another state or territory:

- i) A certification of such enrollment from the appropriate state board, including the date of the examination; and
- ii) Official college transcripts showing coursework completed and degree received.

C) The required fee specified in Section 17 of the Act.

D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of such participation with a brief description of the program, from the university and verification of supervision.

E) A complete work history indicating all employment since receipt of a baccalaureate degree and verification of supervision.

b) Applicant not enrolled as a Structural Engineer Intern or an Engineer Intern

1) An applicant shall have acquired all experience as required in Section 1480.130 prior to making application to the Department.

2) An applicant for registration as a structural engineer who is not enrolled or certified as a Structural Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:

A) Verification of experience indicating the approved experience as set forth in Section 1480.130 of this Part;

B) Certification of education of one of the following:

- i) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. An official transcript of educational credit ~~Completed-college--certification--form~~ showing receipt of a baccalaureate ~~bachelor-of-science~~ degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; an official transcript of educational credit; and completed experience certification form(s)

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indicating the required 4 years of approved experience, except as provided in subsection (c) of this Section; ~~below~~; or

- ii) A degree in a related science as set forth in Section 1480.120. An official transcript of educational credit ~~Completed-college--certification--form~~ showing receipt of a bachelor of science degree in a related science; an official transcript of educational credit; and completed experience certification form(s), indicating the required 8 years of approved experience;

C) A complete work history, on forms provided by the Department, indicating all employment since receipt of a baccalaureate degree; and

D) The required fee specified in Section 17 of the Act.
 c) If an ~~such~~ applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the following:

- 1) The date of issuance of the applicant's license and the current status of such license;
- 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
- 3) Whether the records of the licensing authority contain any record of ~~any~~ disciplinary action taken or pending against the applicant.

d) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers (AACRAO). The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120.

e) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English.

f) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Section 1480.110 and 1480.130. Once the application has been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering, Structural I and Structural II examinations, the examination filing deadline and the

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- required examination fee as provided for in Section 17 of the Act.
- d) ~~A--complete--work--history--on--forms--provided--by--the--Department--~~
~~indicating--all--employment--since--receipt--of--a--baccalaureate--degree--and--~~
~~the--required--fee--specified--in--Section--17--of--the--Act--~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1480.170 Endorsement

- a) Any person who holds an unexpired certificate of registration or license to practice structural engineering, issued under the laws of another state or territory and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

- 1) Proof of meeting requirements substantially equivalent to those in force in this State state at the time of original or subsequent licensure by examination in the other jurisdiction (i.e., a separate written 16 hour structural engineering examination and the Fundamentals of Engineering examination), including certification of education, and verification of experience;
- 2) A certification by the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that jurisdiction and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any disciplinary action taken or pending against the applicant;

- 3) If the qualifications of the applicant at the time of original licensure did not meet the requirements for licensure in this State state at that time, the applicant may submit additional certifications of other jurisdictions to indicate meeting the qualifications in effect in this State state at the time of any later licensure;
- 4) A complete work history, on forms provided by the Department, indicating all employment since receipt of the baccalaureate degree; and

- 5) The required fee set forth in Section 17(3) of the Act;
- 6) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. Applicants shall obtain the forms from the National Council of Examiners for

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Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1480.110 and 1480.120; and

- 7) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English.

- b) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering curriculum, has achieved special honors or awards, has had numerous articles published in professional journals, has participated in the writing of textbooks relating to structural engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of structural engineering.

- c) In order to provide background in structural engineering experience, an applicant licensed as a structural engineer in another state or territory, and who has met all previously stated requirements may be requested to appear before the Board for an oral interview at which questions will be asked to determine the applicant's qualifications and knowledge of structural engineering (~~see~~ Section 1480.160(c)(4)(B)). Specifically, questions may explore the applicant's knowledge concerning the design of concrete, structural steel, timber, masonry and foundations and ~~also~~ analysis procedures, design codes, materials and recommended practices for design and construction.

- d) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this State state. After review of the application the Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement shall automatically be reviewed under the provisions of Section 1480.140.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 1480.200 Professional Design Firm Corporations-and-Partners

a) Persons who desire to practice structural engineering in this State in the form of a partnership, limited liability company, or corporation (if the form is a corporation and such corporation was not formed under the Professional Service Corporation Act [805 ILCS 10]) or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) ~~§111-Rev.-Stat.-1989-CH-32-par--415-17-et-seq-777~~ shall, in accordance with Section 19 of the Act, file an application with the Department on forms provided by the Department, together with the following:

- 1) For Corporations:
 - A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is licensed as a structural engineer.
 - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. The purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide engineering services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain professional design firm registration.
 - C) A certified copy of the resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in Illinois.
- 2) For Partnerships **partnerships**.
 - A) An application containing the name of the partnership and its business address and the names of all general partners, with the name of the state in which each is licensed as a structural engineer or professional engineer and the license number of each general partner.
 - B) A certified copy of the resolution adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State.
- 3) For Limited Liability Companies.
 - A) An application containing the name of the limited liability company, the business address and the members of the

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company, the name of the state in which each is licensed as a structural engineer and the license number of each member.

B) A certified copy of the articles of organization or operating agreement designating a regular full-time employee of the company who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State.

4) For Sole Proprietorships. An application containing the name of the sole proprietorship and its business address and the name and license number of the structural engineer who owns and operates the business.

3) ~~A certified copy of the resolution of the board of directors of the corporation or of the general partners, as the case may be, designating a member of the board or a member of the partnership who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State and vesting in such managing agent full authority to make all final decisions involving structural engineering work within Illinois.~~

5) ~~4) A list of all office locations in Illinois at which the corporation, limited liability company, or partnership or sole proprietorship provides structural engineering services.~~

6) ~~A list of all assumed names used by the corporation, limited liability company, partnership or sole proprietorship.~~

7) ~~The fee required in Section 17 of the Act.~~

b) Upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the corporation, limited liability company, partnership or sole proprietorship to engage in the practice of structural engineering or notify the applicant of the reason for the denial of the ~~such~~ application.

c) Each corporation, limited liability company or partnership shall be responsible for notifying the Department within 30 days ~~after~~ of any changes in:

- 1) The membership of the board of directors, members of the limited liability company or the general partners; and
- 2) The licensure status of the general partners or any of the licensed structural engineer members of the board of directors.
- d) Each corporation, limited liability company or partnership shall be responsible for notifying the Department in writing, by certified mail, within 10 business days ~~after~~ of the termination or change in status of the managing agent. Thereafter, the corporation, limited liability company or partnership, if it has so informed the Department has 30 days to notify the Department of the name and license number of the structural engineer licensed in Illinois who is the newly designated managing agent.
- e) Any failure to notify the Department as required in subsection (c) and (d) above or any failure of the corporation, limited liability company or partnership to continue to comply with the requirements of Section

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19 of the Act will subject the corporation, limited liability company or partnership to the loss of its license to practice structural engineering in Illinois.

- f) Sole Proprietorships. Any sole proprietorship owned and operated by a structural engineer who has an active Illinois license is exempt from the registration requirements of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application with the Department indicating all assumed names utilized. A sole proprietorship shall notify the Department of all assumed name changes ~~the fee required in Section 17 of the Act.~~

- g) In addition to the seal requirements in Section 14 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers: Adopted Action:
240.728 Amendment
240.729 Amendment
- 4) Statutory Authority: 20 ILCS 105/4.01(11) and 5.02
- 5) Effective Date of Amendment(s): May 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference: No
- 8) Date filed in Agency's Principal Office: May 8, 1997
- 9) Notice of Proposal Published in Illinois Register: October 18, 1996; 20 Ill. Reg. 13463
- 10) Has JCAR issued a Statement of Objections to this amendment(s)? No
- 11) Difference(s) between proposal and final version: In Section 240.728 an editorial change was made in response to staff comment.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|------------------------------------|
| 240.815 | Amendment | March 14, 1997 (21 Ill. Reg. 3001) |
- 15) Summary and Purpose of Amendment(s): The purpose of the rulemaking is to update the maximum payment levels for homemaker and adult day care services. The rulemaking is to also delete the minimum number of adult day care units (days) per week.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel

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Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, IL 62701-1789
Attention: Maximum Payment Levels
(217) 785-3346

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240

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240.130	Maintenance of Effort
240.140	Program Limitations
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240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Care Service
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240.340	Confidentiality/Safeguarding of Case Information
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240.451	Conduct of Hearing
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240.610	Establishing Eligibility
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240.630	Determination of Eligibility
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240.715	Determination of Need
240.720	Clients Prior to Effective Date of this Section (Repealed)
240.725	Clients After Effective Date of this Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service

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240.800	Financial Factors
240.810	Assets
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Section	Administrative Service Contract
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Section	Standard Contractual Requirements for Case Coordination Units and Vendors
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Section	Community Care Program Case Management
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240.1510	Provider Administrative Minimum Standards
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240.1570	Service Availability Expansion
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SUBPART P: PROVIDER PROCUREMENT

Section	Provider Contract
240.1600	Procuring Provider Services
240.1605	Procurement Cycle for Provider Services
240.1610	Issuance of Provider Proposal and Guidelines
240.1620	Content of Provider Proposal and Guidelines
240.1625	Criteria for Number of Provider Contracts Awarded
240.1630	Evaluation of Provider Proposals
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Section	Procurement Cycle For Case Management Services
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SUBPART R: ADVISORY COMMITTEE

Section	Community Care Program (CCP) Advisory Committee
240.1800	Technical Rate Review Advisory Committee (Repealed)
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Section
 240.1910 Establishment of Fixed Unit Rates
 240.1920 Contract Specific Variations
 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
 240.1950 Adult Day Care Fixed Unit Reimbursement Rates
 240.1960 Case Management Fixed Unit Reimbursement Rates

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Section
 240.2020 Financial Reporting of Homemaker Service
 240.2030 Unallowable Costs for Homemaker Service
 240.2040 Minimum Direct Service Worker Costs for Homemaker Service
 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to

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expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 20 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6163, effective

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section 240.728 Maximum Payment Levels for Homemaker Service

Maximum monthly service dollars are calculated according to the applicant's/client's total Determination of Need score. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for Community Care Program (CCP) providers.

- a) Individuals scoring from 29 thru 32 points shall be eligible for services costing no not less than \$1 and not to exceed \$211 \$190 monthly.
- b) Individuals scoring from 33 thru 36 points shall be eligible for services costing no less than \$1 and not to exceed \$350 \$300 monthly.
- c) Individuals scoring from 37 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed \$533 \$400 monthly.
- d) Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed \$565 \$600 monthly.
- e) Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed \$873 \$700 monthly.
- f) Individuals scoring from 68 thru 78 points shall be eligible for services costing no less than \$1 and not to exceed \$1,007 \$910 monthly.
- g) Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed \$1,371 \$1240 monthly.
- h) Individuals scoring from 88 thru 100 points shall be eligible for

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services costing no less than \$1 and not to exceed \$1,598 \$1445 monthly.

(Source: Amended at 21 Ill. Reg. 6183, effective MAY 15, 1997)

Section 240.729 Maximum Payment Levels for Adult Day Care Service

Applicable service maximum levels for Community Care Program clients who, based on an approved plan of care, receive at least the indicated minimum units of adult day care service are:

DON SCORE RANGE	SERVICE MAXIMUM LEVEL	MINIMUM AGE UNITS/WK.
29-32	\$ 236190	N/A
33-36	590450	2
37-45	708600	3
46-56	828750	4
57-67	944800	4
68-78	1,007910	N/A
79-87	1,3711240	N/A
88-100	1,5981445	N/A

(Source: Amended at 21 Ill. Reg. 6183, effective MAY 15, 1997)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Client Service Planning
- 2) Code Citation: 89 Ill. Adm. Code 305
- 3) Section Numbers: Adopted Action:
305.30 Amend
305.40 Amend
- 4) Statutory Authority: 20 ILCS 505
- 5) Effective Date of Amendments: May 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? Yes
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principle Office: May 15, 1997
- 9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 734 (January 17, 1997)
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference between proposal and final version: Other than editing and formatting changes recommended by the Joint Committee on Administrative Rules no other changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? Yes
- 14) Are there any proposed amendments to this Part pending? No
- 15) Summary and Purpose of These Adopted Amendments: These amendments add a new permanency goal of "subsidized guardianship" that may be selected for children when certain conditions are met. Those conditions are described in these amendments and in the amendments to 89 Ill. Adm. Code 302, Section 302.405, Subsidized Guardianship. In addition, the list of critical decisions described in Section 305.30 has been expanded to include the decision to petition the court to terminate Department custody or guardianship of a child.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Department of Children and Family Services
 406 East Monroe, Station #65
 Springfield, IL 62701-1498
 217/524-1983
 217/524-3715

The full text of the proposed amendment begins on the next page.

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 305

CLIENT SERVICE PLANNING

Section

- 305.10 Purpose
- 305.20 Definitions
- 305.30 Introduction to Client Service Planning
- 305.40 Types of Permanency Goals and Alternative Permanency Options
- 305.50 Service Plan
- 305.60 Case Review System
- 305.70 Roles and Responsibilities of the Administrative Case Reviewer
- 305.80 Decision Review
- 305.90 Parent-Child Visitation (Repealed)
- 305.100 Evaluating Whether Children in Placement Should Be Returned Home
- 305.110 Termination of Parental Rights
- 305.120 Planning for the Termination of Services
- 305.130 The Department's Role in the Juvenile Court
- 305.140 Compliance With the Client Service Planning Requirements

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675 (1991)), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. 17200, effective December 1, 1994; amended at 19 Ill. Reg. 7171, effective June 1, 1995; amended at 19 Ill. Reg. 10487, effective July 1, 1995; amended at 20 Ill. Reg. 9030, effective July 5, 1996; amended at 21 Ill. Reg. 6193, effective May 1, 1997.

Section 305.30 Introduction to Client Service Planning

- a) Principles of Client Service Planning
 - 1) Client service planning is an on-going process that must begin with an assessment of client need in relation to Department service mandates and must include periodic reassessment of such needs in light of the services provided, the permanency goal or an alternative permanency option, and the progress toward achieving the goal or option.

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- 2) Case planning must ensure accountability on the part of clients, the Department and other service providers through written documentation of expectations and obligations. This documentation should include:
- a desired permanent living arrangement for each child served that is recorded in the service plan as a permanency goal or permanency option;
 - identification of problems that must be resolved to achieve this status, including, when applicable, achievement of minimum parenting standards;
 - identification of measurable changes or outcomes that will signify problem resolution;
 - identification of what the Department and other service providers will provide toward achieving the desired permanent living arrangement;
 - identification of applicable timeframes; and
 - identification of any consequences to the client if the timeframes are not met.
- 3) Although the Department maintains ultimate responsibility for the service plan, case planning must be an inclusive process in which all of the participants in a case (parents, children, service providers) are given the opportunity to have input.
- 4) Case planning activities, including development of the service plan and case review, reflect and must be consistent with federal and State requirements, e.g., 42 U.S.C.A. 670 et seq. and the Children and Family Services Act [20 ILCS 505].
- b) The Need For a Permanent, Secure and Nurturing Home
- 1) The Department recognizes that children need permanent, secure, and nurturing homes for healthy psychological development in order to mature to stable adulthood. Whenever it is in the best interests of the child, the Department strives to preserve family life and to stabilize children's homes and to assist in the solution of problems which are likely to result in the abuse, neglect, or exploitation of children.
 - 2) When children and parents must be separated to reduce or prevent harm to the children, the Department strives to reunite families as quickly as is consistent with the children's best interests, safety and well-being. When children and parents cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards, the Department strives to find other permanent homes for children.
- c) The Child's Sense of Time and The Importance of Aggressive Planning
- 1) The Department recognizes that children have a different sense of time than adults. What seems like a short family disruption or a brief separation to adults may be a very painful and intolerable long period for children. In general, younger children are less able to tolerate periods of separation than older children. For

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- this reason, the Department shall act promptly using the best information available when dealing with children and their families.
- 2) The Department believes that aggressive planning with an emphasis on decision making, followed by the actions needed to carry out those decisions, will secure permanent homes for children. Therefore, the Department requires service planning directed toward a permanency goal beginning from the earliest contacts with children and families. Through service planning the Department strives to assure that children are in permanent homes as quickly as is consistent with their safety and well-being while recognizing the urgency caused by the child's sense of time.
 - d) The Use of Outside Consultation
 - 1) The Department recognizes the gravity of the decisions that must be made and, recognizing the urgency caused by the child's sense of time, the importance of acting deliberately, yet promptly, on each case. Therefore, the Department strives to consult professionals and agencies outside the Department and to seek a balance of opinions from the following public and private agencies, when appropriate:
 - A) health, education and social service agencies;
 - B) law enforcement agencies; and
 - C) other agencies, organizations, or programs which provide or are concerned with human services.
 - 2) This consultation allows Department staff to attain a broad perspective on the alternatives available to children and families and on the potential impact of these alternatives on the lives of the children and families served.
 - e) The Critical Decisions
 - 1) Although all Department decisions affecting children and families are important, the Department identifies the following decisions as the most critical ones affecting children and families:
 - A) deciding whether to remove children from the home of their parents or relative caregiver or whether services can prevent placement away from their parents or relative caregiver;
 - B) deciding whether to return children to the home of their parents or relative caregiver from a placement away from their parents or relative caregiver;
 - C) deciding whether to decrease the frequency or the duration of parent and/or sibling visits with the child and whether the visits should be supervised;
 - D) deciding whether to change children's placements;
 - E) deciding whether parental rights should be terminated and an alternate permanent home sought;
 - F) deciding if children are prepared for partial or total independence; or

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another family, but continues to be unable to accept another family; or

- B) ~~ii)***~~ the child is otherwise deemed unadoptable. The Department shall strive to assure continuity of care, a sense of permanency, and emotional support for the child by establishing the child's permanent caregiver as the legal guardian of the child with the permanency goal of subsidized guardianship as described in subsection (b)(8) of this Section. However, taking legal guardianship is not required for the placement to be considered permanent.

- C) When weighing the advantages of a permanent family placement with relatives against the advantages of a permanent family placement with an unrelated foster family, the quality of the relationships among ~~relationship-between~~ the relatives, the child, the child's parents, and the child's foster parents, if any, shall be a factor. In addition, another factor ~~other-factors~~ shall be the likelihood of establishing a permanent legal relationship between the child and the relative as compared to the likelihood of establishing a permanent legal relationship between the child and the unrelated foster parents.

5) Independence

Independence may be a goal for adolescents 16 years of age or older who have demonstrated the ability to care for themselves, who do not wish to be adopted, who are becoming economically self-sufficient, or who are establishing a family of their own. When the child becomes 18, the child must cooperate according to his service plan. If the child 18 years of age or over does not cooperate, the Department may seek to terminate services and seek to end its legal relationship with the child.

6) Long-Term Care in a Residential Facility

- A) A very small percentage of children served by the Department are determined severely physically, mentally, or emotionally handicapped by a physician, psychiatrist, or other professional qualified by education or experience to make this judgment. These children require long term care, usually in an intermediate or skilled nursing facility, or in a child care institution. They are expected to continue to need this care in the foreseeable future. For these children, long-term care in a residential facility is the permanency goal.

- B) These severely physically, mentally, or emotionally handicapped children who require long-term care should not be confused with children who are in group homes or institutions in order to receive intensive, short-term treatment directed toward correcting problems which significantly interfere with life outside the institution. Long-term care in a residential facility is not an

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appropriate permanency goal for children who are receiving short-term, intensive services in a group home or institution.

- 7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights

- A) Substitute care pending court decision regarding termination of parental rights is the preferred permanency goal when a decision has been made to pursue termination of parental rights. This goal is to be established only when:

- i) Efforts to reunite the child and biological or legal family have been unsuccessful as documented in the case record; or ~~the ***the~~ evaluations of at least two professionals have found ~~must-find~~ the parent(s) have a chronic incapacity which will not respond to rehabilitation and which makes it clearly improbable that the parents will attain minimum parenting standards. These professionals must be qualified by their education or experience in the fields of psychiatry, psychology, social work, developmental disabilities, chemical dependency, or other specialized areas of knowledge relevant to the pending issue. These evaluations shall weigh whether the parents can attain the minimum parenting standards (established by the Department) after considering the public, private and extended family resources which can assist the parents with caring for the children; and

- ii)*** The child, if 14 years of age or older, is in agreement with the plan to pursue termination of parental rights; and

- iii)*** Department legal staff determine if there is sufficient evidence to pursue termination of parental rights in accordance with Section 1(D) of the Adoption Act (750 ILCS 50/1(D)).

- B) This goal shall continue as the permanency goal until such time as the court grants or denies ~~has-granted-or-dened~~ termination of parental rights, or until such time as a degree of progress is noted in the parent(s) situation which would require an evaluation of, and possible change in the established permanency goal pursuant to Sections 305.50 and 305.60.

- C) If the court grants termination of parental rights, this goal shall be changed to adoption. If the termination of parental rights petition is denied, another permanency goal shall be selected.

8) Subsidized Guardianship

Subsidized guardianship may be selected as the permanency goal when "return home" and "adoption" have been ruled out as

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permanency goals for the child, but the child resides with a relative or foster home caregiver with whom the child has formed an emotional attachment and who is willing to accept legal responsibility for the child and assume a commitment to a permanent relationship that meets the child's needs over time. In addition, when deciding whether to select subsidized guardianship as the permanency goal, the Department shall consider whether the child can benefit from a living arrangement that does not include the intervention and supervision of the Department, with the exception of possible financial and medical assistance as described in 89 Ill. Adm. Code 302.405, Subsidized Guardianship. In making that determination the Department shall consider the eligibility factors contained in Section 302.405(b).

c) Permanency Options

1) In addition to the permanency goals identified in subsection (b) above, the Department also recognizes delegated relative authority as an alternative permanency option which does not provide the legal status of a permanency goal, but does allow the child to be placed in a stable, continuous living arrangement. When delegated relative authority is selected as a permanency option, the relative caregiver shall continue to receive payments for the care of the child which shall be based on the relative caregiver's licensing status. Administrative case reviews shall continue to be conducted at least every six months, permanency review hearings shall continue to be held as required by law, and parent/child visits shall continue, as appropriate. The Department retains guardianship of the child and the authority to make all major medical consents and other major decisions which affect the related children's lives and health.

2)

Effective January 1, 1997, delegated relative authority may no longer be selected as a permanency option. Those relative caregivers who are caring for children in a delegated relative authority arrangement as of January 1, 1997 will be allowed to continue in that arrangement. However, they will be offered the option of serving as subsidized guardians in accordance with the eligibility criteria of 89 Ill. Adm. Code 302.405, Subsidized Guardianship.

d) Delegated relative authority may be selected as a permanency option for the following types of cases:

1) the children have been living with a relative caregiver who has been licensed under 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, or who continues to meet the conditions for placement prescribed in 89 Ill. Adm. Code 301, Placement and Visitation Services, Section 301.80 Relative Home Placement, and the children have remained with the relative caregiver for a minimum of one year immediately prior to establishing delegated relative authority;

2) the children are in the guardianship of the Department

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- immediately prior to establishing delegated relative authority;
- 3) the children do not have extraordinary medical, mental health, or educational needs which require additional casework services;
 - 4) the relative caregivers have demonstrated the willingness and ability to protect the children from persons who may harm them;
 - 5) the relative caregivers have demonstrated the willingness and ability to appropriately control and supervise visits and contacts between the children and their biological or legal parents, in accordance with the service plan developed by the Department;
 - 6) the relative caregivers have a safe and stable home environment which poses no danger to the related children;
 - 7) the Department has documented that reunification with the biological or legal parents within a one year period is highly unlikely for reasons such as:
 - A) long-term parental incarceration; or
 - B) chronic and serious mental illness; or
 - C) serious physical or mental incapacity; or
 - D) addiction to drugs or alcohol which is not responding successfully to treatment; or
 - E) other significant barriers to returning the children home within one year;
 - 8) adoption (unless adoption by the relative caregiver is pending) or private guardianship as a permanency goal has been determined to be not in the best interests of the related children; or
 - 9) other circumstances as the Department may determine to be appropriate.

(Source: Amended at 21 Ill. Reg. 6193, effective May 1, 1993)

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- 1) Heading of the Part: Services Delivered by the Department

- 2) Code Citation: 89 Ill. Adm. Code 302

- 3) Section Numbers: Adopted Action:

302.20 Amend
302.400 Amend
302.405 Amend

- 4) Statutory Authority: 20 ILCS 505

- 5) Effective Date of Amendments: May 15, 1997

- 6) Does this rulemaking contain an automatic repeal date? Yes

- 7) Do these amendments contain incorporations by reference? No

- 8) Date filed in Agency's Principle Office: May 15, 1997

- 9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 745 (January 17, 1997)

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No

- 11) Difference between proposal and final version: In Section 302.400(d)(3) the words "Fiscal Year 1995" were deleted from the first sentence.

In Section 302.405(b)(3) the word "other" was deleted from the second sentence.

In the last sentence of (3) the words "or his or her designee" were deleted.

In subsection (c)(2) proposed paragraph (C) was deleted and (D), (E), and (F) were relabeled. The deleted paragraph read "the child no longer requires assistance for any special needs which were taken into consideration when calculating the amount of the subsidy;".

In subsection (d)(2) the words "conducted within 30 days prior to finalization of the subsidized guardianship" were deleted.

In subsection (e)(2) and (3) the annual review was replaced with a review "every two years or more frequently".

In subsection (e)(4) the words "or 21 as specified in the agreement" were added immediately after "the age of 18".

In subsection (e)(5) the words "at the sole discretion of the Department"

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were deleted.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: Yes

- 13) Will these amendments replace an emergency rule currently in effect? Yes

- 14) Are there any proposed amendments to this Part pending? Yes

Section Number Proposed Action Illinois Register Citation

302.20 Amend April 11, 1997 (21 Ill. Reg. 4350)
302.30 Amend April 11, 1997 (21 Ill. Reg. 4350)
302.40 Amend April 11, 1997 (21 Ill. Reg. 4350)
302.310 Amend April 11, 1997 (21 Ill. Reg. 4350)
302.320 Amend April 11, 1997 (21 Ill. Reg. 4350)
302.330 Amend April 11, 1997 (21 Ill. Reg. 4350)
302. Appendix B Amend April 11, 1997 (21 Ill. Reg. 4350)

- 15) Summary and Purpose of These Adopted Amendments: The Department has received a waiver from the Federal Department of Health and Human Services to implement a demonstration project which offers a subsidized guardianship arrangement for children who have been in foster care for two or more years and who meet other criteria, as described in the rules, that indicate the child is likely to remain in substitute care. All foster parents and relative caregivers will be eligible for the new arrangement with the exception of those that reside in the cost neutrality areas which are described in the proposed amendments. Each guardianship will be established by court order. The financial and medical assistance offered under this program is modeled after the adoption assistance program and the same methodology for calculating the amount of financial assistance is used.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

- 17) The full text of the proposed amendment begins on the next page.

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effective MAY 15 1997.

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means publicly funded social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed

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for adoption;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.
[20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as used in this Part, means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Minimum parenting standards" means that a parent or other person

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responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/1-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such relative, or

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- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]-

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Siblings" means children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Subsidized Guardianship Program" means a child welfare demonstration project which offers a financial subsidy to relative care or licensed foster home caregivers who are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in Section 302.405, Subsidized Guardianship.

"Successor guardianship" means the judicial transfer under Section 2-27, 2-28, 2-25, or 2-29 Section-802-277-803-28,-804-25,-or-805-29 of the Juvenile Court Act of 1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 21 Ill. Reg. 6204, effective MAY 15 1997)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.400 Successor Guardianship

- a) When Successor Guardianship is Appropriate
Successor guardianship is a program available for only those children who meet the following criteria.
1) The child must be at least 14 years of age and must consent to the successor guardianship arrangement.

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- 2) The child must have resided with the prospective successor guardian for at least one year immediately prior to establishing the successor guardianship.
- 3) The child must have been under Department guardianship for at least one year immediately prior to establishing the successor guardianship.
- 4) The child must not have medical, transportation, or personal expenses (e.g., expenses related to skills, interests, or hobbies) which would create a financial burden on the successor guardian.
- 5) The permanency goals of return home and adoption must have been ruled out for this child and the permanency goal of permanent family placement must be selected.
- 6) The parents must consent to the successor guardianship arrangement or the Department may proceed, for good cause, to seek a successor guardianship without parental consent provided that the parents are given notice of the guardianship petition hearing in accordance with Section 2-704-4 of the Juvenile Court Act [705 ILCS 405/2] ~~§111-Rev-Stat-1983-ch-37-par-704-4~~. Good cause includes, but is not limited to:
 - A) Parental incarceration expected to last more than 180 days,
 - B) Parental illness, mental or physical incapacity, or addiction which is chronic and serious to the extent judgment is impaired,
 - C) Parental desertion, abandonment, or whereabouts unknown.
- b) Responsibilities of the Successor Guardian
 - 1) Successor guardians assume all the duty and authority conferred upon such persons in ~~Section 1-11 of the Juvenile Court Act of 1987 [705 ILCS 405]~~ ~~§111-Rev-Stat-1983-ch-37-par-701-11~~. Successor guardians are responsible for making the major decisions in children's lives for whom they are guardian, but the Department shall provide consultation, including legal and medical consultation, upon request from the successor guardian. No fees shall be charged for the consultation.
 - 2) Successor guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.
 - 3) Successor guardians are responsible for providing the Juvenile Court with updated case plans for the child once every six months.
 - 4) Successor guardians are responsible for informing the Department when:
 - A) there have been significant changes in their circumstances or the child's circumstances which affect their ability to care for the child, such as substantial changes in income or expenses, changes in the composition of the household, or major health problems,
 - B) they are receiving income for the child including, but not

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- limited to Social Security benefits, Supplemental Security Income (SSI), Black Lung benefits, and child support, they stop supporting or caring for the child, or
- D) the child runs away for longer than 72 hours.
 - 5) Successor guardians are responsible for requesting Department services if they are needed after guardianship has been transferred and post-transfer services have been provided.
 - c) Responsibilities of Department
 - 1) The Department shall initiate Juvenile Court proceedings to transfer guardianship and shall assume responsibility for costs related to these proceedings.
 - 2) The Department shall fully explain the duties and responsibilities of successor guardians and shall provide written guidelines for making complex legal or medical decisions. The successor guardian's compliance with the guidelines is not required.
 - 3) The Department shall, upon request of the successor guardian, provide consultation on major decisions free of charge.
 - 4) The Department shall assist the successor guardian in planning times and places for visitation, but is not responsible for arranging or supervising parental or sibling visitation.
 - 5) The Department shall offer post-transfer of guardianship services, such as counseling or homemaker services, for up to three months after guardianship has been transferred. No fees shall be charged for these services.
 - 6) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] ~~§111-Rev-Stat-1983-ch-37-par-201-et-seq~~ if the successor guardian does not care for him or her to the extent the child's health or well-being is endangered.
 - 7) The Department shall provide financial assistance for these children when their successor guardians request it and they meet eligibility requirements in Section 302.400(d), Subsidy for Successor Guardianship.
 - d) Subsidy for Successor Guardianship
 - 1) Successor guardians may apply for financial assistance toward the care of the children for whom they assume guardianship.
 - 2) The Department shall consider all relevant factors in determining whether initial or ongoing subsidized successor guardianship is in the best interests of the child including, but not limited to:
 - A) the wishes of the child's successor guardian;
 - B) the wishes of the child;
 - C) the interaction and interrelationship of the child with the successor guardian;
 - D) the child's adjustment to the present home, school, and community;
 - E) the child's need for stability and continuity of relationship with the successor guardian;

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- F) the mental and physical health of all individuals involved; and
- G) whether the successor guardian is financially supporting the child.
- 3) Ongoing monthly payments are available and are not to exceed \$25 \$1-00 less than the Department's regular foster care payment rate. Regular monthly income from another source for the child shall be deducted from the maximum amount paid by the Department. The Department shall give the successor guardian written notice of any decrease in the amount of financial assistance at least 10 days prior to the effective date of the decrease.
- 4) Financial assistance is available after considering the relevant factors in subsection (d)(2) above until the child attains 18 years of age except that financial assistance may continue until the child attains 21 years of age if the child has a severe emotional disturbance, a physical disability, a social adjustment problem, or the child needs to complete an educational or vocational training program and, in the Department's judgement, it is in the child's best interests to remain in subsidized successor guardianship.
- 5) The Department and the successor guardian shall agree to the amount and duration of the financial assistance in writing. The amount of the financial assistance shall be reviewed at least annually. In determining the amount of financial assistance, several factors are reviewed including, but not limited to:

- A) the age of the child when entering the successor guardianship program; and
- B) current family size; and
- C) the needs of the child; and
- D) the family's gross income.

- 6) The Department shall not provide medical assistance to children in the successor guardianship program when payment of medical costs is available through the Department of Public Aid, insurance benefits, or other public programs.

e) Any children in the Successor Guardianship program as of December 31, 1996 may remain in the program until such time as guardianship is transferred or terminated. However, no additional children will be accepted into this program as of January 1, 1997, except in the cost neutrality groups described in Section 302.405(f). Demonstration and Cost Neutrality Groups. The subsidy for these children will be calculated in accordance with Section 302.405(e). Subsidy for the Subsidized Guardianship Program.

(Source: Amended at 21 Ill. Reg. 6204, effective

MAY 15 1997)

Section 302.405 Subsidized Guardianship Program

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- a) Description. Subsidized guardianship is a program for which the Department has received waivers from the Federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:
- 1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of \$500;
- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the transfer of guardianship; and
- 3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (c) below.
- b) When Subsidized Guardianship is Appropriate
- Subsidized guardianship is a program available for only those children who meet the following criteria.
- 1) The child must have been in the legal custody of the State for two years or more immediately prior to establishing subsidized guardianship.
- 2) The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.
- 3) A child living in the home of a non-relative must be at least 12 years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the caseworker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator.
- 4) The child must have a strong attachment to the potential guardian and the guardian must have a strong commitment to the child.
- 5) Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the

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- case record.
- 6) Adoption must have been ruled out as a permanency goal for the child.
- 7) The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act (755 ILCS 5/11-10.1(a)).
- 8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.
- 9) The prospective guardian must have no record of any felony convictions.
- c) Responsibilities of the Private Subsidized Guardian
- 1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.
- 2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:
- A) the child is no longer the legal responsibility of the subsidized guardian;
- B) the child is no longer receiving financial support from the subsidized guardian;
- C) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts;
- D) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or
- E) there is a change of address.
- d) Responsibilities of Department
- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:
- A) the wishes of the child's prospective subsidized guardian;
- B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
- C) the interaction and interrelationship of the child with the prospective subsidized guardian;
- D) the child's adjustment to the present home, school, and community;
- E) the child's need for stability and continuity of

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- relationship with the prospective subsidized guardian; and
- F) the mental and physical health of all individuals involved.
- 2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check.
- 3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301, Placement and Visitation Services, when making placements under the subsidized guardianship program.
- 4) The Department will offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.
- 5) The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.
- 6) The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
- 7) The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.
- 8) The Department shall ensure that all guardians are provided access to fair hearings under 89 Ill. Adm. Code 337, Service Appeal Process.
- 9) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act (325 ILCS 5) if the guardian does not care for him or her to the extent the child's health or well-being is endangered.
- 10) The Department shall provide financial assistance for these children in accordance with Section 302.405(e), Subsidy for Subsidized Guardianship.
- e) Subsidy for the Subsidized Guardianship Program
- 1) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department on an individual basis in accordance with the formula described in Appendix B of this Part.
- 2) The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments

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calculated in accordance with Appendix B of this Part shall be reviewed every two years or more frequently and may be readjusted annually or more frequently using the formula in Appendix B. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.

3) A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, the types of assistance available, the amount of payment, and, in the case of ongoing monthly subsidized guardianship payments, that such payments are subject to review every two years or more frequently and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.

4) The type(s), amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18 or 21 as specified in the agreement. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.

5) While guardianship is terminated under the Probate Act when a child reaches age 18, financial assistance may be provided until age 21 for children with certain mental or physical handicapping conditions only.

f) Demonstration and Cost Neutrality Groups
Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the

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Department's rules and procedures. The three areas are:

- 1) the Cook Central Region.
- 2) the East St. Louis sub-region serving the following counties:

A) Madison;
B) St. Clair;
C) Bond;
D) Clinton;
E) Washington;
F) Monroe; and
G) Randolph.

- 3) the Peoria sub-region serving the following counties:

A) Fulton;
B) Henderson;
C) Knox;
D) Warren;
E) Henry;
F) LaSalle;
G) McDonough;
H) Mercer;
I) Rock Island;
J) Tazewell;
K) Woodford;
L) Peoria;
M) Bureau;
N) Marshall;
O) Putnam; and
P) Stark.

(Source: Added at 21 Ill. Reg. _____, effective _____)

6204

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Narrative and Planning Policies

2) Code Citation: 77 Ill. Adm. Code 1100

3) Section Numbers: Adopted Action:

1100.110 Amendment
1100.510 Amendment
1100.520 Amendment
1100.530 Amendment
1100.660 Amendment

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) Effective Date of Rulemaking: May 30, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 1, 1996

9) Notice of Proposal Published in Illinois Register: July 19, 1996 at 20 Ill. Reg. 9470

10) Has JCRC issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

Section 1100.520(a)(1)(A), second line, change "Squire" to "Square".

Section 1100.520(a)(1)(C), added "Near South Side".

Section 1100.520(a)(2)(A), changed "Cherry-Grove Shannon" to "Cherry Grove-Shannon" and "Rock-Creek Lima" to "Rock Creek-Lima".

Section 1100.520(a)(2)(D), added "South Grove" after "Mayfield".

Section 1100.520(a)(6)(A), deleted "6".

Section 1100.520(a)(6)(D), added "Hickory Hill" after "Arrington".

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? The Agency has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Rulemaking: Part 1100 contains the Health Facilities Planning Board's (State Board) rules on the development of health planning areas. Health planning areas are used by the State Board and the Illinois Department of Public Health in the development of statewide health facilities plans and in assessing the need for a proposed project under the Certificate of Need (CON) program. The following categories of service are affected by the amendments: long-term care, medical-surgical/pediatric, obstetric, and intensive care. Planning area boundaries for these services were established 20 years ago. Since that time, changes in the health care delivery system have altered or effected the patterns of patients referrals. These amendments will provide the rationale and methodology used to designate specified geographic areas of Illinois into formalized health planning areas. Additionally, these amendments change the bed need formula from the Obstetric category of service by reducing the length of stay factor (contained in the formula) from 3.5 to 2.5 days. This reduction is due to decreases in the length of stay experienced by obstetrical patients throughout Illinois.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Donald Jones

Address: Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761

Telephone: 217-782-3516

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section	
1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

SUBPART B: GENERAL DEFINITIONS

Section	
1100.210	Introduction
1100.220	Definitions

SUBPART C: PLANNING POLICIES

Section	
1100.310	Need Assessment
1100.320	Staffing
1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy-Utilization Standards
1100.380	Systems Planning
1100.390	Quality
1100.400	Location
1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section	
1100.510	Introduction, Formula Components and Planning Area Development

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Policies

1100.520	Medical-Surgical/Pediatric Categories of Service
1100.530	Obstetric Category of Service
1100.540	Intensive Care Category of Service
1100.550	Comprehensive Physical Rehabilitation Category of Service
1100.560	Acute Mental Illness Categories of Service
1100.570	Substance Abuse Category of Service
1100.580	Neonatal Intensive Care Category of Service
1100.590	Burn Category of Service
1100.600	Therapeutic Radiology Equipment
1100.610	Open Heart Surgery Category of Service
1100.620	Cardiac Catheterization Services
1100.630	Chronic Renal Dialysis Category of Service
1100.640	Non-Hospital Based Ambulatory Surgery
1100.650	Computer Systems (Repealed)
1100.660	General Long-Term Care Category of Service
1100.670	Specialized Long-Term Care Categories of Service
1100.680	Magnetic Resonance
1100.690	High Linear Energy Transfer (L.E.T.)
1100.700	Positron Emission Tomographic Scanning (P.E.T.)
1100.710	Extracorporeal Shock Wave Lithotripsy
1100.720	Selected Organ Transplantation
1100.730	Kidney Transplantation
1100.740	Subacute Care Hospital Model
1100.750	Postsurgical Recovery Care Center Alternative Health Care Model
1100.760	Children's Respite Care Center Alternative Health Care Model

APPENDIX A

Applicable Codes and Standards Utilized in 77 Ill. Adm.
Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985,

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effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified at 20 Ill. Reg. 2594, effective January 26, 1996; amended at 20 Ill. Reg. 14778, effective November 8, 1996; amended at 21 Ill. Reg. 6220, effective January 1, 1997.

SUBPART A: GENERAL NARRATIVE

Section 1100.10 Introduction

This Subchapter a has been developed to provide the necessary criteria for the review of construction and modification projects submitted for health care facilities under the requirements of P.A. 78-1156, the Illinois Health Facilities Planning Act (the Act) [20 ILCS 3960] ~~as amended~~. ~~4111-Rev-Stat--1981, ch--111-1/2, pars--1151-et-seq.~~ The standards presented herein are designed to promote development of needed facilities and services, avoid duplication of services and prevent unnecessary construction. The statutory citations for all State ~~state~~ and federal laws and regulations referenced in this subchapter may be found in the Appendices to 77 Ill. Adm. Code 1110.

(Source: Amended, at 21 Ill. Reg. 6220, effective January 1, 1997.)

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section 1100.510 Introduction, Formula Components and Planning Area Development Policies

a) Introduction

This Subpart details the specifics of all need equations utilized to evaluate services. Each subsection provides information on: planning areas utilized, how beds are counted, the applicable age group or groups, occupancy targets, subservice classifications included in the equation, use rate minimums and maximums, and the formula for the determination of total bed need. The Appendices to 77 Ill. Adm. Code 1110 contain all applicable formula data including the delineation of planning areas, population and utilization statistics. The Appendices are available from the Agency at 525 West Jefferson Street in Springfield, Illinois 62761.

b) Formula Components

Formulas utilized by the State Board in projecting the number of needed beds can be categorized as demand based or incidence based need formulas. Each of these formula types represents a different conceptual outlook and incorporates different data elements as formula variables.

- 1) Demand Formula for services such as M-S/Pediatrics, Intensive Care, Rehabilitation and General Long-Term Care Categories of Service. Demand equations utilize the concept that what has occurred in the past will occur in the future. The formulas

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utilize inpatient days of care and population projections as the key data variables. The first formula step is to establish a utilization to population ratio (use rate). This ratio basically says that within a population an average number of inpatient days of care will be generated. This rate is then applied to the projected population estimate for the same area. This states that if the rate of use is constant, a future population can be expected to generate an identifiable number of inpatient days. These projected days are then converted to a daily census (projected days - 365) and multiplied by an occupancy target. The projected day figure can be equated to 100% occupancy of service for which need is projected. The occupancy target is a means of allowing additional beds to be added to an area to insure that sufficient beds exist to handle days when inpatient admissions are exceptionally high. This type of formula is tempered in use by the application of minimum and maximum use rates. These rates are controls and serve to inflate (minimum use rate) or deflate (maximum use rate) the projected bed need. These rates are established when historical patterns of use are influenced by a maldistribution of services. By adding to or subtracting from the number of needed beds, development of new beds and facilities can be influenced to add beds to underserved areas and to restrict bed growth in areas of high bed to population ratios.

- 2) Incidence Formula for services such as Obstetrics, Acute Mental Illness and Burn Categories of Service. This type of formula utilizes the incidence level of a disease or a condition within a population to predict need. Utilizing national or State rates, the formula predicts the number of area residents who will need hospitalization based on the number of people who live in the area. Utilizing a standard estimate of how long a patient will be hospitalized, admissions are converted into patient days. As in the demand formulas, days are then converted to an average daily census and an occupancy target applied to obtain area bed need.

c) Planning Area Development Policies

The State Board recognizes the need to establish planning areas for the purpose of assessing and determining the need for health care facilities, beds, and services. In establishing planning areas the following principles and factors apply:

- 1) For purposes of delineating planning area boundaries and for purposes of calculating population estimates, the smallest geographical areas to be utilized shall be community areas for the city of Chicago and townships for all other areas in the State outside of Chicago.
- 2) Source of patient information shall be the primary basis for the allocation of geographic areas (e.g., townships, community areas, counties) into planning areas. As a general principle, 50% or more of the residents receiving care from facilities or resources located within the planning area should reside within the

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planning area.

AGENCY NOTE: Source of patient information may only be available on a zip code basis. In such cases, the relationship between zip code boundaries and community area or township boundaries will be approximated for use in establishing planning area boundaries.

- 3) Planning area boundaries should be established taking into consideration the number and type of existing health care facilities and services located within the area, shared and overlapping market areas between or among facilities, and patterns of patient referral to area health care facilities. Planning areas may vary in size in order to insure access within a reasonable travel time.

- 4) The primary market area for health care facilities located within a planning area should serve a substantial number of residents of the planning area. A primary market area means the geographic location in which 50% or more of a facility's patients/residents reside. The State Board recognizes that certain health care facilities (e.g., tertiary and specialty facilities) may have primary market areas that are not entirely contained within the planning area in which the facility is located.
- 5) Planning area boundaries can also be influenced by the following factors:

- A) natural geographic boundaries;
- B) political boundaries that affect the patterns of services;
- C) transportation patterns and systems;
- D) time and distance required to access service by area residents;
- E) affiliations between health care facilities and other health care entities which affect patterns of service;
- F) trade and economic market patterns that influence the financing of health care services;
- G) the lack of existing health resources or services in an area;
- H) referral patterns to obtain tertiary services;
- I) the impact of reimbursement or managed care programs;
- J) socio-economic factors such as but not limited to population density, income level, or age characteristics.

- 6) Planning area boundaries may vary by category of service. The State Board recognizes that certain services (e.g., neonatal ICU, open heart surgery, lithotripsy, etc.) may require a large population base in order to assure the provision of quality care and to be cost effective.

- 7) Planning areas for the acute care categories of services of medical-surgical/pediatrics, obstetrics and intensive care must contain a minimum population of 40,000. This population base would be sufficient to support a 100 bed hospital based upon a facility target occupancy of 80% and an inpatient day use rate of 725 days per 1,000 population.

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- 8) Planning areas for general long-term service must contain a minimum population of 10,000. This population base would be sufficient to support 100 nursing care beds based upon a rate of 9 beds per 1,000 population (projected 1997 statewide need divided by projected 1997 State population) with a target occupancy of 90%.

- 9) The State Board recognizes that some hospitals, due to location, may provide services to a substantial number of residents from an adjacent planning area. For instance, hospitals located near a planning area boundary may have a primary market area which serves residents in other planning areas. In instances where at least 40% of a facility's inpatient admissions for the medical-surgical/pediatrics, obstetrics and intensive care categories of service are residents of an adjoining planning area, the State Board shall allocate (based upon 1994 patient source data on file with the State Agency) a proportionate number of the hospital's beds and inpatient utilization in whole numbers, to the adjoining planning area. For example, ABC Community Hospital, with 200 M-S/Peds, 30 ICU and 20 OB beds, is located in Planning Area A. Patient source data indicates that 43% of its admissions are residents of Planning Area B. Therefore, 86 M-S beds, 13 ICU beds, and 9 OB beds and a corresponding 43% allocation of ABC Community Hospital's admissions and patient days would be allocated to Planning Area B.

- 10) The State Board recognizes that some long-term care facilities may have a primary market area that is not contained within the planning area in which the facility is located. Placement in long-term care facilities may be influenced by such factors as, but not limited to: location of next of kin or relatives; seeking services of a specialized nature such as treatment for various diseases or disabilities; or seeking services related to religious, ethnic, or fraternal needs. Because of the significant degree of mobility that is exercised in seeking long term care services, the State Board shall not allocate portions of a facility's beds and services to more than one planning area.

Planning areas are geographic areas which the State Board deems appropriate for evaluating the need for a particular service. The following factors are utilized in developing planning areas:

- 1) Nature of the service. Planning areas may vary in size in order to insure access within a reasonable travel time.
- 2) Patient migration. The movement of patients to existing facilities and services will influence the boundaries of the planning area.
- 3) Referral patterns. There exists a system of patient referral from primary care to secondary care to tertiary care. How people move within this system can influence the boundaries of a planning area.

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- 4) Socioeconomic--Factors--Population-density--income-level--ethnic percentages--and--age-characteristics--can--influence--the--planning area--boundaries:
- 5) Political--and--Geographic--Boundaries--Physical-features--such-as roads--or--rivers--may--influence--a--planning--area--boundary--Also existing--boundaries--such-as--county--or--township--lines--may influence--the--size--of--the--area:
- 6) Population--in--some--cases--a--minimum--population--base--influences area--size--A--minimum--population--is--important--to--insure--a population--base--sufficient--to--support--a--broad--range--of--services:

(Source: Amended at 21 Ill. Reg. 0220, effective)

Section 1100.520 Medical-Surgical/Pediatric Categories of Service

- a) Planning Areas: 40 57 areas in 6 8 regions
- 1) Region A (comprised of HSAs 6, 7, 8, and 9)
- A) Planning Area A-1: City of Chicago Community Areas of Uptown, Lincoln Square, North Center, Lakeview, Lincoln Park, Near North Side, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park, Dunning, Montclare, Belmont Cragin, Hermosa, Avondale, Logan Square, O'Hare, and Edgewater.
- B) Planning Area A-2: City of Chicago Community Areas of Humboldt Park, West Town, Austin, West Garfield Park, East Garfield Park, Near West Side, North Lawndale, South Lawndale, Lower West Side, Loop, Armour Square, McKinley Park, and Bridgeport.
- C) Planning Area A-3: City of Chicago Community Areas of Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Near South Side, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, Garfield Ridge, Archer Heights, Brighton Park, New City, West Elsdon, Gage Park, Clearing, West Lawn, West Englewood, Englewood, Chicago Lawn and Greater Grand Crossing.
- D) Planning Area A-4: City of Chicago Community Areas of West Pullman, Riverdale, Hegewisch, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood, and Morgan Park; Cook County Townships of Lemont, Stickney, Worth, Lyons, Palos, Calumet, Thornton, Bremen, Orland, Rich, and Bloom.
- E) Planning Area A-5: DuPage County.
- F) Planning Area A-6: Cook County Townships of River Forest, Oak Park, Cicero, Berwyn, Riverside, Proviso, Leyden, and Norwood Park.

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- G) Planning Area A-7: Cook County Townships of Maine, Elk Grove, Schaumburg, Palatine and Wheeling.
- H) Planning Area A-8: City of Chicago Community Areas of Rogers Park and West Ridge; Cook County Townships of Northfield, New Trier, Niles, and Evanston.
- I) Planning Area A-9: Lake County.
- J) Planning Area A-10: McHenry County.
- K) Planning Area A-11: Cook County Townships of Barrington and Hanover; Kane County Townships of Hampshire, Rutland, Dundee, Burlington, Plato, Elgin, Virgil, Campton, and St. Charles.
- L) Planning Area A-12: Kendall County; Kane County Townships of Kaneville, Black Berry, Aurora, Big Rock, Sugar Grove, Batavia and Geneva.
- M) Planning Area A-13: Grundy and Will Counties.
- N) Planning Area A-14: Kane County.
- 2) Region B (comprised of HSA 1)
- A) Planning Area B-1: Boone and Winnebago Counties; DeKalb County Townships of Franklin, Kingston, and Genoa; Ogle County Townships of Monroe, White Rock, Lynnvillle, Scott, Marion, Byron, Rockvale, Leaf River, and Mount Morris.
- B) Planning Area B-2: Jobaviess and Stephenson Counties; Ogle County Townships of Forreton, Maryland, Lincoln, and Brookville; Carroll County Townships of Washington, Savanna, Woodland, Mount Carroll, Freedom, Salem, Cherry Grove-Shannon, and Rock Creek-Lima.
- C) Planning Area B-3: Whiteside County; Lee County Townships of Palmyra, Nelson, Harmon, Hamilton, Dixon, South Dixon, Marion, East Grove, Nachusa, China, Amboy, May, Ashton, Bradford, Lee Center, and Sublette; Carroll County Townships of York, Fairhaven, Wysox, and Elkhorn Grove; Ogle County Townships of Eagle Point, Buffalo, Pine Creek, Woosung, Grand Detour, Oregon, Nashua, Taylor, Pine Rock, and Lafayette.
- D) Planning Area B-4: Lee County Townships of Reynolds, Alto, Viola, Willow Creek, Brooklyn, and Wyoming; DeKalb County Townships of Paw Paw, Victor, Somonauk, Sandwich, Shabbona, Clinton, Squaw Grove, Milan, Afton, Pierce, Malta, DeKalb, Cortland, Mayfield, South Grove and Sycamore; Ogle County Townships of Flagg and Dement.
- 3) Region C (comprised of HSAs 2 and 10)
- A) Planning Area C-1: Woodford, Peoria, Tazewell, and Marshall Counties; Stark County Townships of Goshen, Toulon, Penn, West Jersey, Valley, and Essex.
- B) Planning Area C-2: LaSalle, Bureau, and Putnam Counties; Stark County Townships of Elmira and Osceola.
- C) Planning Area C-3: Henderson, Warren, and Knox Counties.
- D) Planning Area C-4: McDonough and Fulton Counties.

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- 4) Planning Area C-5: Rock Island, Henry, and Mercer Counties
Region D (comprised of HSA 4)
- A) Planning Area D-1: Champaign, Douglas, and Piatt Counties; Ford County Townships of Lyman, Sullivan, Peach Orchard, Wall, Drummer, Dix, Ratton, and Button; Iroquois County Townships of Ioda, Pigeon Grove, and Artesia.
- B) Planning Area D-2: Livingston and McLean Counties; Ford County Townships of Rogers, Mona, Pella, and Brenton.
- C) Planning Area D-3: Vermillion County; Iroquois County Townships of Milks Grove, Chebanse, Papineau, Beaverville, Ashkum, Martinton, Beaver, Danforth, Douglas, Iroquois, Crescent, Middleport, Belmont, Concord, Sheldon, Ash Grove, Milford, Stockland, Fountain Creek, Lovejoy, Prairie Green, Onarga, and Ridgeland.
- D) Planning Area D-4: DeWitt, Macon, Moultrie, and Shelby Counties.
- E) Planning Area D-5: Coles, Cumberland, Clark, and Edgar Counties
- 5) Region E (comprised of HSA 3)
- A) Planning Area E-1: Logan, Menard, Mason, Sangamon, Christian and Cass Counties; Brown County Townships of Ripley, Cooperstown, and Versailles; Schuyler County Townships of Littleton, Oakland, Buena Vista, Rushville, Browning, Hickory, Woodstock, Bainbridge, and Frederick.
- B) Planning Area E-2: Macoupin and Montgomery Counties.
- C) Planning Area E-3: Greene, Jersey, and Calhoun Counties.
- D) Planning Area E-4: Pike, Scott, and Morgan Counties.
- E) Planning Area E-5: Adams and Hancock Counties; Schuyler County Townships of Birmingham, Brooklyn, Camden, and Huntsville; Brown County Townships of Pea Ridge, Missouri, Lee, Mount Sterling, Buckhorn, and Elkhorn.
- 6) Region F (comprised of HSAs 5 and 11)
- A) Planning Area F-1: Madison and St. Clair Counties; Monroe County Precincts 2, 3, 4, 5, 7, 10, 11, 14, 16, 17, 18, 19, 21, and 22; Clinton County Townships of Sugar Creek, Looking Glass, Germantown, Breese, St. Rose, Wheatfield, Wade, Sante Fe, Lake, Irishtown, Carlyle, and Clement.
- B) Planning Area F-2: Bond, Fayette, and Effingham Counties; Clay County Townships of Blair, Bible Grove, and Larkinsburg; Jasper County Townships of Grove, North Muddy, South Muddy, Smallwood, Wade, and Crooked Creek.
- C) Planning Area F-3: Crawford, Lawrence, Richland, Wabash, and Edwards Counties; Jasper County Townships of Hunt City, Willow Hill, Ste. Marie, Fox, and Grandville; Clay County Townships of Louisville, Songer, Xenia, Oskaloosa, Hoosier, Harter, Stanford, Pixley, and Clay City; Wayne County Townships of Orchard, Keith, Garden Hill, Berry, Bedford, Lamard, Indian Prairie, Zif, Elm River, Jasper, Mount Erie,

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- D) Planning Area F-4: Marion, Jefferson, and Washington Counties; Wayne County Townships of Big Mound, Ore, Hickory Hill, Arrington and Four Mile; Clinton County Townships of East Fork, Meridian and Brookside.
- E) Planning Area F-5: Hamilton, White, Gallatin, Hardin, and Saline Counties; Pope County Townships of Eddyville #6 and Golconda #2.
- F) Planning Area F-6: Franklin, Williamson, Johnson, and Massac Counties; Pope County Townships of Jefferson #4, Webster #5, Golconda #1, and Golconda #3.
- G) Planning Area F-7: Randolph, Perry, Jackson, Union, Alexander, and Pulaski Counties; Monroe County Precincts 1, 6, 8, 9, 12, 13, 15, 20 and 23.
- b) Age Groups: Medical-Surgical - 15 and over; Pediatrics: 0-14
- c) Occupancy Targets:
- 1) Occupancy Targets for "Modernization".

A) Medical-Surgical	1-25 beds	60%
	26-99 beds	75%
	100-199 beds	85%
	200+ beds	88%
B) Pediatrics	1-30 beds	65%
	31+ beds	75%
 - 2) Occupancy Targets for "Addition of Beds".

A) Medical-Surgical	1-99 beds	80%
	100-199 beds	85%
	200+ beds	90%
B) Pediatrics	1-99 MS beds	80%
	100-199 MS beds	85%
	200+ MS beds	90%
- d) Bed Capacity
- 1) Medical-Surgical bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.
 - 2) Pediatrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room in units of less than 16 beds which are not distinct pediatric units. In pediatric units--one having its own nursing station--the reported functional capacity is utilized.
- e) Total Bed Need for Medical-Surgical (M-S) and Pediatrics and the number of additional beds needed are determined by planning area as follows:
- 1) dividing the three year average of experienced patient days for

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each of three age groups (0-14, 15-64 and 65+) by the base year population for each age group resulting in age specific base use rates;

- 2) multiplying each age specific base use rate by the projected population of the age group to obtain projected patient days;
- 3) adding the projected days of the age groups to obtain total projected patient days;
- 4) subtracting the number of patients entering the planning area for service from the total out-migration to obtain a net patient migration total;*

AGENCY NOTE: *Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.

- 5) multiplying the net patient migration total by state average length of stay for service to obtain migration patient days;
- 6) multiplying the migration patient days by .15 (15%) adjustment factor to obtain patient day adjustment;
- 7) add patient day adjustment, when area is a net out-migration area, to projected patient days; or
- 8) subtract patient day adjustment, when area is a net in-migration area, from projected patient days;
- 9) dividing total migration adjusted patient days by days in year to obtain projected average daily census;
- 10) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need.
- 11) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 21 Ill. Reg. 6220, effective)

Section 1100.530 Obstetric Category of Service

- a) Planning Areas: Same as M-S
- b) Age Groups: Female 15-44; Female 15 and over
- c) Occupancy Targets:

1-10 beds	60%	Gynecology
11-25 beds	75%	Utilization
26+ beds	78%	within
		Obstetrics 90%
- d) Bed Capacity: Obstetrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.
- e) Total Bed Need for Obstetrics and the number of additional beds needed are determined by:
 - 1) multiplying the projected female 15-44 population by the current

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fertility rate of the health planning area to obtain projected births;

- 2) multiplying the projected number of births by a hospitalization factor of .99 (99%) to determine number of projected births occurring in hospitals;
- 3) multiplying projected births occurring in hospitals by length of stay factor of 3.5 days to obtain projected maternity patient days;
- 4) dividing the gynecology utilization (of the base year) within obstetric units by the current female 15+ population to obtain a use rate;
- 5) multiplying the use rate of gynecology patients by the projected female 15+ population to obtain projected gynecology patient days;
- 6) dividing the projected maternity patient days by 365 to obtain a maternity average daily census;
- 7) dividing the projected gynecology patient days by 365 to obtain a gynecology average daily census;
- 8) dividing the gynecology patient days by .9 (90%) to determine obstetric beds needed for gynecology patients;
- 9) dividing the maternity average daily census by the occupancy target for new construction to obtain obstetric beds needed for maternity patients;
- 10) adding the maternity bed need (step 9) with the gynecology need (step 8) to determine total unadjusted obstetric bed need.
- 11) determine the number of patients entering the planning area from outside and the number of area residents leaving the planning area for obstetrics service;
- 12) multiplying the total number of patients entering the area and those leaving the area by 2.5 9-5 to determine a patient day estimate for in-migration and out-migration;
- 13) multiplying the patient totals for area in-migration and out-migration by a .85 (85%) adjustment factor;
- 14) subtracting the resulting in-migration adjusted patient day total from the out-migration adjusted patient day total to determine the net in or out patient day migration estimate;*

AGENCY NOTE: *Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.

- 15) dividing the net in or out patient day estimate by 365 to determine the average daily census for migration;
- 16) adding to net in-migration areas the average daily census for migration to the unadjusted bed need to determine the migration adjusted obstetric bed need; in net out-migration areas subtract the average daily census for migration to determine adjusted obstetric bed need.
- 17) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the

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number of beds needed.

(Source: Amended at 21 Ill. Reg. 933, effective 11/1/83)

Section 1100.660 General Long-Term Care Category of Service

("General Long-Term Care" is defined in 77 Ill. Adm. Code 1110.1720(a)).

a) Planning Areas: 95 #49 areas in 11 HSA regions

- 1) HSA 1: Planning areas are Boone, Carroll, Dekalb, Jo Daviess, Lee, Ogles, Stephenson, Whiteside, and Winnebago Counties.
- 2) HSA 2: Planning areas are Bureau/Putnam Counties (combined), Henderson/Warren Counties (combined), Marshall/Stark Counties (combined), Fulton, Knox, LaSalle, McDonough, Peoria, Tazewell, and Woodford Counties.

3) HSA 3: Planning areas are Brown/Schuyler Counties (combined), Calhoun/Pike Counties (combined), Morgan/Scott Counties (combined), Adams, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, and Sangamon Counties.

4) HSA 4: Planning areas are Coles/Cumberland Counties (combined), Champaign, Clark, Dewitt, Douglas, Edgar, Ford, Iroquois, Livingston, McLean, Macon, Moultrie, Piatt, Shelby, and Vermilion Counties.

5) HSA 5: Planning areas are Alexander/Pulaski Counties (combined), Edwards/Wabash Counties (combined), Gallatin/Hamilton/Saline Counties (combined), Johnson/Massac Counties (combined), Hardin/Pope Counties (combined), Bond, Clay, Crawford, Effingham, Fayette, Franklin, Jackson, Jasper, Jefferson, Lawrence, Marion, Perry, Randolph, Richland, Union, Washington, Wayne, White, and Williamson Counties.

6) HSA 6: Planning Areas

A) 6A: City of Chicago Community Areas Rogers Park, West Ridge, Uptown, Lincoln Square, Edgewater, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park and Avondale.

B) 6B: City of Chicago Community Areas North Center, Lakeview, Lincoln Park, Near North Side, Loop, Logan Square, West Town, Near West Side, Lower West Side, West Garfield Park, East Garfield Park, North Lawndale, South Lawndale, O'Hare, Dunning, Montclare, Belmont Cragin, Hermosa, Humboldt Park, and Austin.

C) 6C: City of Chicago Community Areas Near North Side, Armour Square, Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, West Pullman, Riverdale, Hegewisch, Garfield Ridge, Archer

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Heights, Brighton Park, McKinley Park, Bridgeport, New City, West Elson, Gage Park, Clearing, West Lawn, Chicago Lawn, West Englewood, Englewood, Greater Grand Crossing, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood, and Morgan Park.

7) HSA 7: Planning Areas

A) 7A: Cook County Townships of Barrington, Palatine, Wheeling, Hanover, Schaumburg, and Elk Grove.

B) 7B: Cook County Townships of Northfield, New Trier, Evanston, Niles, and Maine.

C) 7C: DuPage County.

D) 7D: Cook County Townships of Norwood Park, Leyden, Proviso, River Forest, Oak Park, Riverside, Berwyn, and Cicero.

E) 7E: Cook County Townships of Lyons, Lemont, Palos, Orland, Stickney, Worth, Calumet, Bremen, Thornton, Rich, and Bloom.

8) HSA 8: Planning areas are Kane, Lake, and McHenry Counties.

9) HSA 9: Planning areas are Grundy, Kankakee, Kendall, and Will Counties.

10) HSA 10: Planning areas are Henry, Mercer, and Rock Island Counties.

11) HSA 11: Planning areas are Clinton, Madison, Monroe, and St. Clair Counties.

b) Age Groups: 0-64, 65-74 and 75 and over

c) Occupancy Targets: Modernization 85%; Additional Beds 90%

d) Need Determination:

1) Bed need in the General Long-Term Care Classification of Facilities is calculated only for the Nursing Category of Service which includes the skilled nursing and/or the intermediate nursing levels of care.

2) No formula bed need for the sheltered care category of service has been developed. It is the responsibility of the applicant to document the number of beds needed in any proposed project by complying with the Review Criteria contained in 77 Ill. Adm. Code 1110, Subpart I.

e) Minimum Use Rate:

1) Determine the overall health service area use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days for each age group by the area population for that age group.

2) Establish a minimum use rate for each age group by multiplying the HSA use rate for age group by .6 (60%).

f) Maximum Use Rate:

1) Determine the overall HSA use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days in each age group by the area population for that age group.

2) Establish a maximum use rate for each age group by multiplying the HSA use rate for that age group by 1.6 (160%).

g) Formula or Planned Use Rate:

1) Each planning areas experienced use rate is then calculated for

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each of the age groups by dividing the total number of patient days attributed to an age group (in all area facilities) by the current planning area population within the same age group (expressed in thousands).

- 2) The experienced use rates established by planning area, the HSA maximum use rates (by age group) and the HSA minimum use rates (by age group) are multiplied by the projected age group populations for the HSA.

- 3) The results of the "experienced use rate calculations" and the "HSA minimum and maximum use rate calculations" for each age group are compared. The experienced use rate is utilized in the formula if it is between the minimum and maximum totals in each age group. If the experienced use rate exceeds the maximum, the maximum rate for that age group is utilized. If it falls below the minimum, the minimum use rate for that age group is utilized in the need projection.

- h) Bed Capacity: Skilled, intermediate and sheltered long-term care bed capacity is the licensed bed capacity for the service.

- i) Total Bed Need and the number of additional beds needed for care are determined by:

- 1) Multiplying the formula or planned use rate for each age group by the planning areas projected population (in thousands) for each age group to obtain the projected or planned patient days for each age group for that area;
- 2) The three age group projections are summed to reflect "total area projected patient days";
- 3) Dividing the projected patient days by 365 (days) to obtain the projected average daily census;
- 4) Dividing the projected average daily census by the .9 (90%) occupancy factor to obtain the number of beds needed; and
- 5) Subtracting the number of existing beds in the area from the number of beds needed to determine additional beds needed or the excess number of beds existing.

(Source: Amended at 21 Ill. Reg. 6220, effective 1-1-97)

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- 1) Heading of the Part: Toxic Air Contaminants

- 2) Code Citation: 35 Ill. Adm. Code 232

- | Section Number: | Adopted Action: |
|-----------------|-----------------|
| 232.120 | Amended |
| 232.400 | New |
| 232.410 | New |
| 232.420 | New |
| 232.421 | New |
| 232.423 | New |
| 232.430 | New |
| 232.440 | New |
| 232.450 | New |
| 232.460 | New |
| 232.501 | New |
| APPENDIX A | Amended |

- 4) Statutory Authority: 415 ILCS 5/9.5, 27 and 28

- 5) Effective Date of Rule(s) (Amendments, Repealer): May 12, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule (amendment, repealer) contain incorporation by reference?
No

- 8) Date Filed in Agency's Principal Office: May 1, 1997

- 9) Notice(s) of Proposal Published in Illinois Register: 20 Ill. Reg. 11440, August 23, 1996

- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No

- 11) Difference(s) between proposal and final version: In the table of contents deleted "Repealed" after "Section 232.120 Definitions".

In the tables of contents added to the title of Subpart D the words "AND REPORTING" after "IDENTIFICATION".

In Section 232.120 title deleted "Repealed" after "definitions".

In Section 232.120 in the definition of "Commercial fuel" added to the second explanation the word "or liquid" after "gaseous". In the same explanation corrected the spelling of "internal". Also in the definition of "Commercial fuel" the subsections labels a), b) and c) were deleted.

In Section 232.120 in the definition of "Illinois Toxic Air Contaminant"

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after the phrase "Great Waters Program" added "and Coastal Waters". Also in the definition of "Illinois Toxic Air Contaminant" the reference to the Clean Air Act was changed by deleting "as amended" and adding "(1990)".

In Section 232.120 in the definitions of "LC50" and "LD50" deleted "50 percent" and replace with "fifty percent (.50)".

In Section 232.120 in the definition of "Manufacture" changed "purpose" to "purposes" and changed "product" to "production".

In Section 232.120 in the definitions "Manufacture", "Otherwise use" and "Process" deleted the phrase "35 Ill. Adm. Code Sections 232.400 through 232.460" and replaced with "Subpart D".

In Section 232.120 in the definition of "Otherwise use" changed "process" to "process." (quotation mark is located after the period) and changed "definitions" to "definition."

In Section 232.120 in the definition of "Toxic Air Contaminant" deleted "Section 232." before "Appendix A".

In the title to Subpart D added the words "AND REPORTING" after "IDENTIFICATION".

In Section 232.410(a) added periods after "lbs".

In Section 232.410(b)(3) deleted "and".

In Section 232.410(b) added:

5) Components of Commercial and Non-Commercial agricultural facility operations that are permitted under 8 Ill. Adm. Code 255 by the Department of Agriculture and endorsed by the Illinois Environmental Protection Agency pursuant to Section 39.4 of the Act; [415 ILCS 5/39.4.]

6) Farm storage or application of agricultural chemicals and distribution facilities not covered by 8 Ill. Adm. Code 255 that are used for storage or distribution of agricultural chemicals; and

7) The requirements of this Subpart shall not apply to the application of registered pesticides.

In Section 232.410(c) changed "(.001)" to "(0.001)". Also in Section 232.410(c) we changed "one percent" to "1%" and "one-tenth of one percent" to ".1%".

In Section 232.420(a) deleted "April 1, 1997" and replaced with "July 1,

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1997".

In Section 232.420(a) added "that is expected to be" after the word "source".

In Section 232.420(b) added "submitted pursuant to Section 232.430 of this Part" after "report".

In Section 232.421 deleted "All emissions data verified, modified or provided on behalf of the source named above represents the best available information and is true and accurate to the best of my knowledge" and replace with "I hereby certify that I have reviewed the attached documents and that, to the best of my knowledge and belief, the submitted information is true and complete and that the amounts and values in this report are accurate based on reasonable estimates using data available to the preparers of this report." In the second sentence added "certification of the" after the phrase "responsible for the accuracy of the". Finally, deleted "and" before the phrase "who will take".

In Section 232.423 deleted "April 1, 1997" and replaced with "July 1, 1997".

In Section 232.430(a) deleted "July 1, 1997" and replaced with "October 1, 1997".

In Section 232.430 we combined subsections (a)(1) and (2) to read as follows:

(a)(1) Source identification information and the source's actual annual emissions of each ITAC (identified by generic name and Chemical Abstract Service (CAS) number) expressed in tons per year (TPY), and the source's annual fugitive emissions of each ITAC, expressed in TPY, for each ITAC that exceeds the threshold for applicability as set forth in Section 232.410 of this Part. In determining the actual annual emissions of each ITAC, the source may exclude emissions of such ITAC from all emission units with de minimis emissions of ITACs; or

Added a Section 232.430(a)(2) as follows:

2) If the owner or operator of a source subject to this Subpart so elects, the owner or operator may choose to submit the relevant portions of the USEPA's Emergency Planning and Community Right to Know Act (EPCRA) Form R in lieu of the report required under subsection (a)(1) of this Section. If the owner or operator so elects, the reporting of emissions under Form R may be reported in pounds per year rather than in tons per year (TPY) as required in subsection (a)(1) of this Section.

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In Section 232.430(c) we deleted "January 1, 1996" and replaced with "the effective date of this Subpart". JCAR felt that this was unclear as to when sources were required to file reports for the first time and may be retroactive. At Second Notice, due to the timing of the final adoption of these rules, we changed the filing date for reports to be October 1, 1997. If the change in Section 232.430(c) was not made certain sources may be required to file prior to that October 1, 1997 filing date. As such we thought it appropriate to make the change.

Additionally, in Section 232.430(c) we changed the phrase "subsections (a)(1), (a)(2), or (a)(3)" to "subsections (a)(1) or (a)(2)" and deleted "Sections 232.410, 232, 420, 232.421, 232, 423, 232.430, 232.440, 232.450, and 232.460" and replaced with "Subpart D".

In Section 232.430(d) deleted "correct" after "revised,". Also changed "0.50" to "0.5" in Section 232.430(d)(1). Finally, added "(d)" at the end of Section 232.430(d)(2).

In Section 232.430(e) we deleted "Sections 232.410, 232, 420, 232.421, 232, 423, 232.430, 232.440, 232.450, and 232.460" and replaced with "Subpart D".

In Section 232.430(f) at First Notice we deleted "and" before the phrase "which may result". At Second Notice we added "this" after "under" in the last sentence and deleted "of this Part".

In Section 232.440(a) after "information" added "requested by the Agency pursuant to Section 232.450 of this Part" and delete "required under this Subpart".

In Section 232.440(a)(2) added "use" before "monitoring or measuring".

In Section 232.501 deleted "Part" and replaced with "Subpart" in the first and last sentence. Also in the first sentence of Section 232.501 we deleted "as amended" and replaced with "(1990)".

In Appendix A at "Arsenic" added "***" after "7440-38-2".

In Appendix A we changed "3,4 Benzofluoranthene" to "3,4 Benzofluoranthene".

In Appendix A at "Benzo(a)anthracene added "***" after "56-55-3".

In Appendix A at "1,12-Benzoperylene" deleted "***".

In Appendix A at "Beryllium oxide" added "*" after "1304-56-9".

In Appendix A at "Cadium" added "***" after "7440-43-9".

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In Appendix A at "Cadium oxide" added "*" after "1306-16-0".

In Appendix A at "Capolactum" deleted "*" after "105-60-2".

In Appendix A at "Carbon tetrachloride" replaced "*" with "?" after "56-23-5".

In Appendix A at "3, 4 Chloro-2-methylpropene" replaced "3" with "3, 4".

In Appendix A at "Chromium" added "***" after "7440-47-3".

In Appendix A at "Chromium" added "?" after "18540-29-9".

In Appendix A at "Chrysene" added "***" after "218-01-9".

In Appendix A at "Coal tar (pitch) volatiles" added "***" after "7440-48-4".

In Appendix A at "Coke Oven Emissions" added "?" after "___".

In Appendix A at "Copper" added "***" after "7440-50-8".

In Appendix A replaced "Dichlorvos" with "Dichlorovos".

In Appendix A at "Di(2-ethylhexyl) Phthalate [Bis(2-ethylhexyl) phthalate (DEHP)]" replaced "*" with "?".

In Appendix A at "Endrin" replaced "?" with "***".

In Appendix A at "Ethyl acrylate" replaced "*" with "?".

In Appendix A at "Ethyl benzene" replaced "*" with "?".

In Appendix A at "Ethylene dichloride [1,2-Dichloroethane] replaced "*" with "?".

In Appendix A at "Ethyleneimine" deleted the space between "Ethylene" and "imine".

In Appendix A at "Ethylidene dichloride [1,1-Dichloroethanel] replaced "1,1-Dichloroethenel" with "1,1-Dichloroethene".

In Appendix A at "Hexachloroethane" replaced "*" with "?".

In Appendix A at "Hydrochloric acid" added "(aerosol)" after "acid".

In Appendix A deleted "hydrogen sulfide".

In Appendix A at "Lead" added "***" after "7439-92-1".

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- In Appendix A at "Manganese" added "***" after "7439-96-5".
- In Appendix A at "Methyl chloride [Chloromethane]" replaced "*" with "??".
- In Appendix A at "Methyl chloroform [1,1,1-Trichloroethane]" replaced "*" with "??" and underlined "Methyl chloroform".
- In Appendix A at "Methyl tert-butyl ether" added a "-" between "tert" and "butyl".
- In Appendix A at "Methylbis (phenylisocyanate) [Methylene diphenyl diisocyanate (MDI)] added "*" after "101-68-8".
- In Appendix A at "Methylene chloride" replaced "*" with "??".
- In Appendix A at "Naphthalene" replaced "*" with "??".
- In Appendix A at "Nickel" added "***" after "7440-02-0".
- In Appendix A at "PCDDs (Total polychlorinated dibenzodioxins)" added "***" after "--".
- In Appendix A at "PCDFs (Total polychlorinated dibenzofurans)" added "***" after "--".
- In Appendix A at "PAHs (Total polycyclic aromatic hydrocarbons)" added "***" after "--".
- In Appendix A at "Parathion" replaced "*" with "??".
- In Appendix A at "Pentachlorobenzene" replaced "??" with "***".
- In Appendix A at "Pentachloronitrobenzene" replaced "*" with "??".
- In Appendix A at "Pentachlorophenol" replaced "*" with "??".
- In Appendix A at "Propyleneimine" added a comma between "1,2-Propyleneimine" and "(2-Methylaziridine)".
- In Appendix A at "Styrene" we did not show "Styrene" as stricken.
- In Appendix A at "Sulfalate" deleted "Sulfallate" and added "Sulfalate".
- In Appendix A at Sulfuric acid" added "(aerosol)" after "Sulfuric acid".
- In Appendix A at "1,2,3,4-Tetrachlorobenzene" replaced "??" with "***"
- In Appendix A at "1,2,3,5-Tetrachlorobenzene" replaced "??" with "***".

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- In Appendix A at "Tetrachloroethylene [Perchloroethylene]" replaced "*" with "??".
- In Appendix A at "Trichloroethylene" replaced "*" with "??".
- In Appendix A at "2,4,5-Trichlorophenol" replaced "*" with "??".
- In Appendix A at "2,4,6-Trichlorophenol" replaced "*" with "??".
- In Appendix A at "Trifuralin" replaced "*" with "??".
- In Appendix A at "Manganese compounds" added "??" after "1/8".
- In Appendix A at "Nickel compounds" added "??" after "1/8".
- In Appendix A at "Polycyclic Organic Matter (POM)" added "??" after "1/8".
- In Appendix A at "**Indicates presence on Great Waters" added "or Great Lakes" after "Great Waters".
- In Appendix A at "**Indicates presence on HAP or Great Waters" added "or Great Lakes" after "Great Waters".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): The rulemaking has two main purposes, both of which are connected to the Illinois' Toxic Air Contaminant (ITAC) list. First, the rulemaking updates the ITAC list by adding chemicals or substances to 35 Ill. Adm. Code 232.Appendix A that have been either listed as federal Hazardous Air Pollutants (HAPs) under Section 112(b) of the Clean Air Act (CAA) as amended in 1990, or targeted as chemicals or compounds of concern under the United States Environmental Protection Agency's (s?) "Great Waters" program under Section 112(m) of the CAA. In addition to updating the ITAC list, the rulemaking requires all sources which meet the applicability criteria to submit an ITAC Source Report (emissions report) for the calendar year 1996. Finally, the rulemaking corrects typographical errors which appear in the current ITAC list.

Section 232.120 Definitions

The proposed amendments to Section 232.120 delete definitions no longer

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applicable to this Part as a result of revisions to 35 Ill. Adm. Code 211 and add definitions for "commercial fuel", "Illinois Toxic Air Contaminant", "ITAC Source Report", "manufacture", "otherwise use", "process", and "Toxic Air Contaminant" (TAC). The definition of "commercial fuel" is necessary because Section 9.5 (e)(3) of the Act exempts emissions of ITACs from combustion processes using commercial fuel from the source reporting requirements. The definitions of "manufacture", "otherwise use" and "process" are added to address applicability thresholds. These definitions are identical in substance to those in Section 313 of the Emergency Planning and Community Right-to Know Act, Title III of Superfund Amendments and Reauthorization Act of 1986 (SARA Section 313) (42 U.S.C. 11001 et seq.) The definitions of ITAC and TAC are added to delineate only those chemicals listed in Appendix A that are subject to this proposal. "ITAC Source Report" is added as a definition to address what information is required to be reported.

Section 232.120 is revised to delete the definitions of "New emission source" and "Process unit" since these definitions were inconsistent with, or are no longer necessary because of, earlier revisions to Part 211 that resulted from another rulemaking.

The Agency's proposal to the Board suggested that the definition of "Emits" or "Emissions" or "Emitted", be deleted because of earlier revisions to Part 211. However the definition of "Emits" or "Emissions" or "Emitted", contains the definition of "Fugitive emission" which is not defined in either Part 201 or 211. The definition of "Fugitive emission" appears only at Section 203.124. Since Parts 201 and 211 do not contain a definition of "Fugitive emission", the definition of "Emits" or "Emissions" or "Emitted" is deleted, but the definition for "Fugitive emission" is retained.

Subpart D: Source Identification Requirements

Sections 232.400 through 232.460 contain the requirements relating to source reporting. Section 232.400 states the purpose of Subpart D.

Section 232.410(a) provides the applicability threshold, which is any source that manufactures, processes, or imports 25,000 lbs. or more of any individual ITAC in any calendar year, or otherwise uses 10,000 lbs. of any individual ITAC in any calendar year. Section 232.410(b) lists those processes or operations that are not subject to Subpart D, and incorporates the exemptions in Section 9.5(e) of the Act. Section 232.410(c) provides for an additional applicability threshold, beyond the threshold in Section 232.410(a).

Section 232.420 provides that the Agency will supply to all sources expected to be affected by this proposal an ITAC Source Report that contains all the data fields required by Subpart D. This report is

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designed to assist affected sources in complying with the requirements of Subpart D, although the information need not be submitted on this form. The ITAC Source Report form is similar to the form being utilized in SARA Section 313.

Section 232.421 requires that all emission reports submitted pursuant to Subpart D be certified, and specifies the criteria for a certifying individual, as well as the required certification.

Section 232.423 provides that the failure of an affected source to receive an ITAC Source Report from the Agency does not relieve a source from the obligation to file an emissions report.

Section 232.430(a) specifies the date by which a source must file an emissions report and lists the information required to be submitted. Section 232.430(b) lists which emissions of ITACs are considered to be de minimis and therefore not subject to reporting. Section 232.430(c) specifies the date for reporting for sources that become subject to this proposal after January 1, 1996. Section 232.430(d), (e), and (f) list when a source must submit a revised emissions report to the Agency.

Section 232.440 allows a source to use engineering estimates to determine emissions if the type of estimate is reasonable, is specified and is the best information available. The Section also notes that this Subpart does not require additional monitoring or testing in connection with these emissions reports.

Section 232.450(a) provides that the Agency may request additional information beyond that initially submitted or specified in Section 232.430. Section 232.450(b) specifies that a source must retain records upon which the data included in the emissions report is based for a minimum period of three years, and must make these records available to the Agency upon request.

Section 232.460 requires a source to correct any errors in the data previously submitted within 60 days of discovering such error.

Subpart E: Listing and Delisting

Section 232.501 contains an explanation for the inclusion of the chemicals and compound listed as HAPS under Section 112(b) of the CAA and for the inclusion of the "Great Waters" program targeted compounds under Section 112(m) of the CAA, and that these new compounds are exempt from the listing requirements of Section 232.500(b).

Section 232.502 Appendix A List of Toxic Air Contaminants

Appendix A has been amended to add the HAPS and Great Waters TACs not

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previously listed, and to denote the compounds as either HAPs, Great Water TACs, or both. Furthermore, Appendix A has also been revised to correct typographical errors and errors in the Chemical Abstract Service (CAS) numbers for previously listed chemicals.

- 16) Information and questions regarding this adopted rule shall be directed to:

Charles M. Feinen
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-3473

Requests copies from the Clerk's Office, please include the docket number, R96-4:

Dorothy M. Gunn
Clerk of the Board
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-6931

The full text of the adopted amendment(s) begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER f: TOXIC AIR CONTAMINANTS

PART 232
TOXIC AIR CONTAMINANTS

SUBPART A: GENERAL PROVISIONS

Section
232.100
232.110
232.120
232.130

Introduction
Incorporations by Reference
Definitions
Applicability

SUBPART B: DETERMINATION OF A TOXIC AIR CONTAMINANT

Section
232.200

Characteristics for Determining a Toxic Air Contaminant

SUBPART C: PROCEDURES FOR EVALUATING CHARACTERISTICS OF A TOXIC AIR CONTAMINANT

Section
232.300
232.310
232.320

Purpose
Procedures for Determining the Toxicity Score
Carcinogen Classification

SUBPART D: SOURCE IDENTIFICATION AND REPORTING REQUIREMENTS

Section
232.400
232.410
232.420
232.421
232.423
232.430
232.440
232.450
232.460

Purpose
Applicability
ITAC Source Report
Emissions Report Certification
Failure to Receive an ITAC Source Report
Emissions Report
Use of Available Data
Retention of Records/Additional Information
Reporting of Errors

SUBPART E: LISTING AND DELISTING

Section
232.500
232.501

Procedures for Listing and Delisting Toxic Air Contaminants
Listing of Federal Hazardous Air Pollutants, Great Lakes Commission
Toxic Compounds and Great Waters Program Toxic Compounds

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- APPENDIX A List of Toxic Air Contaminants
 APPENDIX B Additional Procedures for Calculating the Chronic Toxicity Score
 APPENDIX C Carcinogens (Categories A, B1 and B2) listed on the Integrated Risk Information System (IRIS) as of December 31, 1989 (United States Environmental Protection Agency, Office of Health and Environmental Assessment)

AUTHORITY: Implementing Section 9.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.5 and 27].

SOURCE: Adopted in R90-1 at 16 Ill. Reg. 16592, effective October 18, 1992; amended in R96-4 at 21 Ill. Reg. ~~6237~~, effective ~~10/1/96~~.

SUBPART A: GENERAL PROVISIONS

Section 232.120 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 ~~201-1027-211-122-and-215-104~~ apply to this Part, as well as the definitions contained in this Section. Where a definition contained in this Section is more specific than those found in 35 Ill. Adm. Code 201 and 211 ~~201-1027-211-122-and-215-104~~, it must take precedence in application of this Part.

"ACGIH" means the American Conference of Governmental Industrial Hygienists.

"Adverse health effect" means a health injury or disease that may be produced by exposure to a contaminant. This includes any decrement in the function of an organ or organ system or any subclinical organ lesion that is likely to lead to a decrement in an organ or organ system function.

"Commercial fuel" means:

Any fuel offered for final sale for use in combustion processes;

Any gaseous or liquid fuel generated as a by-product at a source for which the source has been issued an operating permit to use such fuel internally in combustion processes, including internal combustion engines; or

Any waste derived fuel for which an operating permit has been issued and which represents no more than five percent (.05) by weight on a daily basis of total fuel used in combustion processes by a source.

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"Critical gestation days" means the days during which the formation and differentiation of organs and organ systems occurs during embryonic development.

~~"Emits" or "emission" or "Emission" means any non-accidental release into the atmosphere from an emission source or air pollution control equipment, or fugitive emissions, defined according to 35 Ill. Adm. Code 203-124.~~

~~"Fugitive emissions" is defined according to 35 Ill. Adm. Code 203.124.~~

"IARC" means the World Health Organization's International Agency for Research on Cancer.

"IRIS" means the USEPA's Integrated Risk Information System.

~~"Illinois Toxic Air Contaminant" (ITAC) means any toxic air contaminant listed pursuant to 35 Ill. Adm. Code 232, excluding, specifically: coke oven gas; any hazardous air pollutant (HAP) now or hereafter listed under Section 112(b) of the Clean Air Act (CAA) (1990); and any pollutant or contaminant listed as a compound of concern under the Great Waters and Coastal Waters Program under Section 112(m) of the CAA.~~

~~"ITAC Source Report" means the report that the Agency provides to the source that lists data fields for the information required in the emissions report for Subpart D of this Part, and contains the information, if any, that previously has been reported to the Agency for those data fields.~~

~~"LC50" means the concentration in air of a contaminant that kills, or is estimated to kill, 50% (.50) 50-per-cent of a population of laboratory animals where the exposure is brief (8 hours or less) and where the route of exposure is inhalation.~~

~~"LD50" means the dose of a contaminant that kills, or is estimated to kill, 50% (.50) 50-per-cent of a population of laboratory animals where the route of exposure is ingestion.~~

~~"Lowest observed adverse effect level" means the lowest experimentally determined dose at which a statistically or biologically significant indication of the toxic effect of concern is observed.~~

~~"Manufacture" means, for the purposes of Subpart D of this Part, to produce, prepare, or compound a listed ITAC, and includes coincidental production of an ITAC (e.g., as a by-product or impurity) as a result of the manufacture, processing or otherwise use or treatment of one or~~

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more chemical substances not an ITAC. An ITAC intentionally incorporated into a product is considered to be manufactured.

"NRP" means the United States Department of Health and Human Services, Public Health Services' National Toxicological Program.

"New-emission-source" means an emission source or air pollution control equipment for which a construction permit is required by 35 Ill. Adm. Code 201 after the effective date of these rules or an emission source or air pollution control equipment for which an operating permit is required by 35 Ill. Adm. Code 201 where the owner or operator failed to apply for a construction permit and applies for the first operating permit.

"No observed effect" means the condition where no adverse health effect has been detected.

"Otherwise use" means, for the purposes of Subpart D of this Part, any activity involving a listed ITAC at a source that does not fall within the definition of "manufacture" or "process."

"Process" means, for the purposes of Subpart D of this Part, the preparation of an ITAC after its manufacture for distribution in commerce in the same physical state as, or in a different form or physical state from, that in which it was received by the source, or preparation that produces a change in physical state or chemical form.

"Process-unit" shall have the meaning set forth in 35 Ill. Adm. Code Section 211-5210.

"Toxic air contaminant" (TAC) means a contaminant identified pursuant to Section 232.200 or Section 232.501 of this Part and listed in Section 232- Appendix A of this Part.

(Source: Amended at 21 Ill. Reg. 6237, effective MAY 1, 1997)

SUBPART D: SOURCE IDENTIFICATION AND REPORTING REQUIREMENTS

Section 232.400 Purpose

This Subpart establishes identification and reporting requirements for new and existing sources that emit Illinois Toxic Air Contaminants.

(Source: Added at 21 Ill. Reg. 6237, effective MAY 1, 1997)

Section 232.410 Applicability

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a) This Subpart shall apply to any owner or operator of a source that manufactures, processes or imports 25,000 lbs. or more of any individual ITAC in any calendar year or otherwise uses 10,000 lbs. of any individual ITAC in any calendar year.

b) This Subpart shall not apply to the following:

- 1) Retail dry cleaning operations;
- 2) Retail and noncommercial storage and handling of motor fuels;
- 3) Combustion processes, including internal combustion engines, using only commercial fuel;
- 4) Equipment and operations which are exempt from permitting requirements pursuant to 35 Ill. Adm. Code 201.146;
- 5) Components of commercial and non-commercial agricultural facility operations that are permitted under 8 Ill. Adm. Code 255 by the Department of Agriculture and endorsed by the Illinois Environmental Protection Agency pursuant to Section 39.4 of the Act; [415 ILCS 5/39.4.]
- 6) Farm storage or application of agriculture chemicals and distribution facilities not covered by 8 Ill. Adm. Code 255 that are used for storage or distribution of agricultural chemicals; and
- 7) The requirements of this Subpart shall not apply to the application of registered pesticides.

c) If an ITAC is present in a mixture of chemicals at a source at a concentration below 1% (0.01) by weight, or 1% (0.001) by weight in the case of an ITAC which is a carcinogen listed in Appendix C of this Part, an owner or operator subject to this Subpart is not required to consider the quantity of the ITAC in such mixture when determining whether an applicable threshold has been met under subsection (a) of this Section or in determining the amount of emissions to be reported under Section 232.430 of this Part.

(Source: Added at 21 Ill. Reg. 6237, effective MAY 1, 1997)

Section 232.420 ITAC Source Report

a) On or before July 1, 1997, the Agency shall provide to the owner or operator of a source that is expected to be subject to this Subpart the ITAC Source Report. The ITAC Source Report shall contain all data fields for the information required under this Subpart.

b) The information on emissions provided by the owner or operator of a source in the emissions report submitted pursuant to Section 232.430 of this Part shall be based on the best information available to the owner or operator and that is reflective of the operations of the source and its ITAC emissions.

(Source: Added at 21 Ill. Reg. 6237, effective MAY 1, 1997)

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Section 232.421 Emissions Report Certification

All emission reports filed pursuant to this Subpart shall contain the following certification statement: "I hereby certify that I have reviewed the attached documents and that, to the best of my knowledge and belief, the submitted information is true and complete and that the amounts and values in this report are accurate based on reasonable estimates using data available to the preparers of this report." The certification statement shall be signed by an individual responsible for the certification of the accuracy of the emissions reported therein. The certification statement shall be accompanied by the full name, title, actual signature, date of signature, and a telephone number of the individual signing the emissions report.

(Source: Added at 21 Ill. Reg. 6237, effective _____)

Section 232.423 Failure to Receive an ITAC Source Report

Failure to receive the ITAC Source Report from the Agency shall not relieve an owner or operator from the obligation to file a complete emissions report. Any owner or operator who does not receive the ITAC Source Report on or before July 1, 1997, may contact the Agency to request the ITAC Source Report.

(Source: Added at 21 Ill. Reg. 6237, effective _____)

Section 232.430 Emissions Report

a) On or before October 1, 1997, the owner or operator of a source subject to this Subpart shall file an emissions report for the calendar year 1996 which shall include the following information:

- 1) Source identification information and the source's actual annual emissions of each ITAC (identified by generic name and Chemical Abstract Service (CAS) number) expressed in tons per year (TPY), and the source's annual fugitive emissions of each ITAC, expressed in TPY, for each ITAC that exceeds the threshold for applicability as set forth in Section 232.410 of this Part. In determining the actual annual emissions of each ITAC, the source may exclude emissions of such ITAC from all emission units with de minimis emissions of ITACs; or

2) If the owner or operator of a source subject to this Subpart so elects, the owner or operator may choose to submit the relevant portions of the USFPA's Emergency Planning and Community Right to Know Act (EPCRA) Form R in lieu of the report required under subsection (a)(1) of this Section. If the owner or operator so elects, the reporting of emissions under Form R may be reported in pounds per year rather than in tons per year (TPY) as required

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in subsection (a)(1) of this Section.

b) The following emissions of ITACs shall be considered to be de minimis and shall not be subject to reporting requirements under this Subpart:

- 1) Emissions of ITACs from an emission unit which, in the aggregate, are less than one-half (0.5) TPY;
- 2) Emissions from a process unit resulting from a process vent stream with ITAC concentrations that are always less than one-tenth of one percent (0.001) by weight on a daily basis, if such concentrations include any carcinogen listed in Appendix C of this Part;
- 3) Emissions from a process unit resulting from a process vent stream with ITAC concentrations that are always less than one percent (0.01) by weight on a daily basis, if such concentrations do not include any carcinogen listed in Appendix C of this Part; or
- 4) Fugitive emissions of ITACs from a process unit which, in the aggregate, are less than one-half (0.5) TPY.

c) If a source becomes subject to this Subpart on or after the effective date of this Subpart, the owner or operator of the source shall submit an emissions report to the Agency on or before July 1 of the year following the date the source becomes subject to this Subpart for the period from the date the source first becomes subject to this Subpart through the end of the calendar year before the year the first report from such source is due under this Subpart. Such emissions report shall contain all of the information listed in subsection (a)(1) or (a)(2) of this Section and any additional information requested by the Agency pursuant to Section 232.450 of this Part. Any such emissions report shall satisfy the requirements of Subpart D of this Part.

d) An owner or operator of a source subject to this Subpart shall submit to the Agency a revised, emissions report on or before July 1 of the year following the occurrence of any of the following:

- 1) If the source's actual annual emissions of any individual ITAC or any combination of ITACs required to be reported under this Subpart increases by more than one-half (0.5) TPY or one (1) TPY, respectively, from the sources' emissions of ITACs initially reported under this Subpart; or
- 2) If the source emits an ITAC that exceeds the threshold for applicability as set forth in Section 232.410 of this Part which was not previously reported in the source's initial report of its emissions of ITACs or in any subsequent revised report of its emissions of ITACs required to be submitted pursuant to this subsection (d).

e) Any revised emissions report required to be submitted under subsection (d) of this Section shall contain all of the information listed in subsection (a) of this Section and any additional information requested by the Agency pursuant to Section 232.450 of this Part. Any revised emissions report shall satisfy the requirements of Subpart D. By July 1 of the calendar year following any modification or change to

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- b) All records and calculations upon which the data submitted in the emissions report are based must be retained by the source for a minimum of three (3) years following the filing of a complete report. The owner or operator of a source shall provide the requested information in a format acceptable to the Agency within 60 days after the receipt of the request.
- c) Nothing in this Section shall be interpreted to impose upon any source subject to this Subpart any additional monitoring which is not otherwise required by applicable rules or a permit condition.

(Source: Added at 21 Ill. Reg. 623.40, effective 11/1/83)

Section 232.460 Reporting of Errors

If, after submitting any emissions report required by this Subpart, the owner or operator of a source discovers any error in the data reported, the owner or operator shall notify the Agency of the error in writing and shall provide the Agency with the correct data. The notification and correction shall be conveyed to the Agency within sixty (60) days after the owner's or operator's discovery of the error. The corrected data shall be certified in accordance with Section 232.421 of this Part.

(Source: Added at 21 Ill. Reg. 623.41, effective 11/1/83)

SUBPART E: LISTING AND DELISTING

Section 232.501 Listing of Federal Hazardous Air Pollutants, Great Lakes Commission Toxic Compounds and Great Waters Program Toxic Compounds

Notwithstanding the provisions of Section 232.500 of this Subpart, all chemicals listed as "hazardous air pollutants" under Section 112(b) of the CAA (1990) (42 U.S.C. 7412(b)), and all chemicals targeted as toxic compounds or chemicals by the Great Lakes Commission or under the United States Environmental Protection Agency's "Great Waters" Program which are not currently listed as toxic air contaminants under this Part, are hereby listed as toxic air contaminants under Appendix A of this Part. The listing of hazardous air pollutants and other toxic compounds or chemicals as toxic air contaminants under this Section is without reference to the listing procedures of Section 232.500 of this Subpart.

(Source: Added at 21 Ill. Reg. 623.42, effective 11/1/83)

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an emission unit requiring a revision to an existing permit or a new permit which may result in an increase in emissions of a previously reported ITAC by ten percent (.10) or more, an owner or operator of a source subject to this Subpart shall submit to the Agency a revised emissions report which includes the information required under this Section 232.430.

(Source: Added at 21 Ill. Reg. 623.39, effective 11/1/83)

Section 232.440 Use of Available Data

- a) In order to provide the information requested by the Agency pursuant to Section 232.450 of this Part, the owner or operator of a source may:

- 1) Use reasonable engineering estimates of total emissions of individual ITACs pursuant to an emissions determination method; if, in each case, the owner or operator of a source specifies the emissions determination method used to estimate total emissions and certifies that such data represents the best available information and is true and accurate to the best of his/her knowledge; or
 - 2) If available, use monitoring or measuring data collected pursuant to other provisions of law or regulation.
- b) Nothing in this Subpart requires the monitoring or measurement of the quantities, concentrations, or frequency of emissions of any ITAC beyond any monitoring or measurement required under other provisions of law or regulation.

(Source: Added at 21 Ill. Reg. 623.40, effective 11/1/83)

Section 232.450 Retention of Records/Additional Information

- a) For purposes of modeling and conducting assessments of information submitted under this Subpart, the Agency may request supporting documentation or additional information for any emissions report submitted by a source, including:

- 1) An identification by generic name and Chemical Abstract Service (CAS) number the source's emissions of each ITAC by emission unit, with maximum hourly emission rates in lbs/hr and actual annual emissions in TPY and the source's fugitive emissions of each ITAC in TPY;
- 2) Operating data, exhaust point information and, if applicable, control device information for each emission unit; and
- 3) Copies of engineering estimate calculations, mass balance calculations, and any other information or documentation used by the owner or operator of a source in preparing an emissions

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Section 232.APPENDIX A List of Toxic Air Contaminants

Chemical Name	Chemical Abstract Service Number
Acetaldehyde	75-07-0*
Acetaldhyde	
Acetamide	60-35-5*
Acetonitrile	75-05-8*
Acetophenone	98-86-2*
2-Acetylaminofluorene	53-96-3*
Acrolein	107-02-8*
Acrylamide	79-06-1*
Acrylic acid	79-10-7*
Acrylonitrile	107-13-1*
Aldrin	309-00-2**
Allyl chloride	107-05-1*
2-Aminoanthraquinone	117-79-3
4-Aminoazobenzene	60-09-3
o-Aminoazotoluene	93-56-3
4-Aminobiphenyl	92-67-1*
1-Amino-2-methylanthraquinone	82-28-0
Amitrole	61-82-5
Aniline	62-53-3*
o-Anisidine	90-04-0*
o-Anisidine hydrochloride	134-29-2
Antimony	7440-36-0
Arsenic	7440-38-2**
Asbestos (frtable)	1332-21-4*
Azobenzene	103-33-3
Benzo(a)anthracene	56-55-3**
Benzene	71-43-2*
Benzidine	92-87-5*
Benzo(a)pyrene	50-32-8**
Benzo(b)fluoranthene	205-99-2*
Benzo(j)fluoranthene	205-82-3
Benzo(k)fluoranthene	207-08-9**
[11,12-Benzofluoranthene]	191-24-2
1,12-Benzoperylene	98-07-7*
Benzotrithloride	100-44-7*
Benzyl chloride	1694-09-3
Benzyl violet	7440-41-7
Beryllium	1304-56-9*
Beryllium oxide	92-52-4*
Biphenyl	542-88-1*
Bis(chloromethyl)ether	7637-07-2
Boron trifluoride	75-25-2*
Bromoform	101-55-3**
4-Bromophenyl phenyl ether	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

1,3-Butadiene	106-99-0*
Butyl benzyl phthalate	85-68-7
beta-Butyrolactone	3068-88-0
C.I. Basic Red 9 monohydrochloride	569-61-9
Cadmium	7440-43-9**
Cadmium oxide	1306-19-0*
Calcium cyanamide	156-62-7*
Caprolactam	105-60-2
Captan	133-06-2*
Carbaryl	63-25-2*
Carbofuran	1563-66-2
Carbon black	1333-86-4
Carbon disulfide	75-15-0*
Carbon tetrachloride	56-23-5**
Carbonyl sulfide	463-58-1*
Carbosulfan	55285-14-8
Catechol	120-80-9*
Chloramben	133-90-4*
Chlordane	57-74-9**
Chlorinated dibenzodioxins	--
Chlorinated dibenzofurans	--
Chlorendic acid	115-28-6
Alpha-Chlorinated toluenes	--
Chlorinated paraffins [(C12, 60% chlorinet)]	108171-26-2
Chlorine	7782-50-5*
Chloroacetic acid	79-11-8*
2-Chloroacetophenone	532-27-4*
Chlorobenzene	108-90-7*
Chlorobenzilate	510-15-6*
Chloroform	67-66-3*
Chloromethyl methyl ether	107-30-2*
3,4,4'-Chloro-2-methylpropene	563-47-3
4-Chloro-o-phenylenediamine	95-83-0
p-Chloro-o-toluidine	95-69-2
4-Chlorophenyl phenyl ether	7005-72-3**
Chloroprene	126-99-8*
Chromium	7440-47-3**
Chromium (VI)	18540-29-9**
Chrysene	218-01-9**
Coal tar (pitch) volatiles	65996-93-2
Cobalt	7440-48-4**
Coke Oven Emissions	--**
Copper	7440-50-8**
p-Cresidine	120-71-8
Creosote (Coal)	8001-58-9
Cresol (mixed isomers) [Cresols/Cresylic acid isomers and mixture]	1319-77-3*
o-Cresol	95-48-7*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

m-Cresol	108-39-4*
p-Cresol	106-44-5*
Cumene	98-82-8*
Cyanazine	21725-46-2
Cyclohexanone	108-94-1
DDD	72-54-8
DDE	3547-04-4*
4,4'-DDE	72-55-9**
DDT	50-29-3**
Di-n-octyl phthalate	117-84-0**
2,4-Diaminoanisole	615-05-4
2,4-Diaminoanisole sulfate	39156-41-7
4,4'-Diaminodiphenyl ether	101-80-4
2,4-Diaminotoluene	95-80-7*
Diazomethane	334-88-3*
Dibenzo(a,h)acridine	226-36-8
Dibenzo(a,j)acridine	224-42-0
Dibenzo(a,h)anthracene [1,2:5,6-Dibenzanthracene]	53-70-3**
Dibenzo(a,e)pyrene	192-65-4
Dibenzo(a,h)pyrene	189-64-0
Dibenzo(a,i)pyrene	189-55-9
Dibenzo(a,l)pyrene	191-30-0
Dibenzofurans	132-64-9*
Dibutyl phthalate	84-74-2**
1,2-Dibromo-3-chloropropane	96-12-8*
1,2-Dibromoethane [Ethylene dibromide]	106-93-4*
1,4-Dichlorobenzene(p-)	106-46-7*
3,3'-Dichlorobenzidine	91-94-1*
3,3'-Dichlorobenzidine dihydrochloride	612-83-9
Dichloroethyl ether [Bis(2-chloroethyl)ether]	111-44-4*
2,4-Dichlorophenoxyacetic acid [2,4-D,salts and esters]	94-75-7*
1,2-Dichloropropane [Propylene dichloride]	78-87-5*
1,3-Dichloropropylene [1,3-Dichloropropene]	542-75-6*
Dichloroovs Btchtorvos	62-73-7*
Dieldrin	60-57-1**
Diepoxybutane	1464-53-5
Diethanolamine	111-42-2*
N,N-Diethyl aniline [N,N-Dimethylaniline]	121-69-7*
1,2-Diethylhydrazine	1615-80-1
Di(2-ethylhexyl) Phthalate phthalate [Bis(2-ethylhexyl) phthalate (DEHPI)]	117-81-7**
Diethyl sulfate	64-67-5*
Diglycidyl resorcinol ether	101-90-6
3,3'-Dimethoxybenzidine [Dianisidine]	119-90-4*
Dimethyl acetamide	127-19-5
Dimethyl phthalate	131-11-3*
4-Dimethylaminoazobenzene [Dimethyl aminoazo-benzene]	60-11-7*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

3,3'-Dimethylbenzidine [o-Tolidine]	119-93-7*
Dimethylcarbamoyl chloride	79-44-7*
N,N-Dimethyl formamide	68-12-2*
1,1-Dimethylhydrazine	57-14-7*
1,2-Dimethylhydrazine	540-73-8
Dimethyl sulfate	77-78-1*
Dinitroresol [4,6-Dinitro-o-cresol, and salts]	534-52-1*
2,4-Dinitrophenol	51-28-5*
2,4-Dinitrotoluene	121-14-2*
1,4-Dioxane [1,4-Diethyleneoxide]	123-91-1*
1,2-Diphenylhydrazine	122-66-7*
Disulfoton	298-04-4
Endothall	145-73-3
Endrin	72-20-8**
Epichlorohydrin	106-89-8*
1,2-Epoxybutane	106-88-7*
2-Ethoxyethanol	110-80-5
Ethyl acrylate	140-88-5**
Ethyl benzene	100-41-4**
Ethyl chloride [Chloroethane]	75-00-3*
Ethylene dichloride [1,2-Dichloroethane]	107-06-2**
Ethylene glycol	107-21-1*
Ethyleneimine [Aziridine]	151-65-4*
Ethylene oxide	75-21-8*
Ethylene thiourea	96-45-7*
Ethylidene dichloride [1,1-Dichloroethene]	75-34-3*
Etridiazole	2593-15-9
FMC-67825	95465-99-9
Fluorine	7782-41-4
Folpet	133-07-3
Formaldehyde	50-00-0*
Furmecyclox	60568-05-0
Heptachlor	76-44-8**
Heptachlor epoxide	1024-57-3**
Hexachlorobenzene	118-74-1**
Hexachloro-1,3-butadiene [Hexachlorobutadiene]	87-68-3**
Hexachlorocyclopentadiene	77-47-4*
Hexachlorodibenzo-p-dioxin	19408-74-3
Hexachloroethane	67-72-1**
Hexamethylene-1,6-diisocyanate	822-06-0*
Hexamethylphosphoramide	680-31-9*
Hexane	110-54-3*
Hydrazine	302-01-2*
Hydrazine sulfate	10034-93-2
Hydrochloric acid (aerosol)	7647-01-0*
Hydrogen cyanide	74-90-8
Hydrogen fluoride [Hydrofluoric acid]	7664-39-3*
Hydroquinone	123-31-9*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Indeno(1,2,3-cd) pyrene
 Isophorone
 Isophorone diisocyanate
 Lead
 Lindane-[Hexachlorocyclohexane-alpha] (alpha)
 Lindane-[Hexachlorocyclohexane-beta] (beta)
 Lindane-[Hexachlorocyclohexane-gamma] (gamma)
 [Lindane all isomers]
 Lindane-[Hexachlorocyclohexane-mixed isomers]
 (mixed-isomers)
 Linuron
 Malathion
 Maleic anhydride
 Manganese
 Mercury
 Methanol
 Methoxychlor
 2-Methoxyethanol
 2-Methoxyethanol acetate
 Methyl bromide [Bromomethane]
 Methyl chloride [Chloromethane]
 Methyl chloroform [1,1,1-Trichloroethane]
 Methyl ethyl ketone [2-Butanone]
 Methyl isobutyl ketone [Hexone]
 Methyl isocyanate
 Methyl methacrylate
 Methyl tert-butyl ether
 5-Methylchrysene
 4,4'-Methylenebis(2-chloroaniline)
 Methylenebis(phenylisocyanate) [Methylene
 diphenyl diisocyanate (MDI)]
 4,4'-Methylenebis(N'-dimethyl benzeneamine)
 Methylene chloride [Dichloromethane]
 4,4'-Methylenedianiline
 4,4'-Methylenedianiline dihydrochloride
 Methyl hydrazine
 Methyl iodide [Iodomethane]
 Methyl mercaptan
 N-Methyl-N'-nitro-N-nitrosoguanidine
 Metolachlor
 Michler's Ketone
 Mirex
 Monoethanolamine
 Naphthalene
 beta-Naphthylamide
 Nickel
 Nitric acid
 Nitrilotriacetic acid

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Nitrobenzene
 4-Nitrobiphenyl
 5-Nitro-o-anisidine
 2-Nitropropane
 4-Nitrophenol
 N-Nitroso-n-butyl-N-(3-carboxypropyl) amine
 N-Nitroso-n-butyl-N-(4-hydroxybutyl) amine
 N-Nitrosodi-n-butylamine
 N-Nitrosodietanolamine
 N-Nitrosodimethylamine
 N-Nitrosodiphenylamine
 N-Nitrosodi-n-propylamine
 N-Nitroso-N-ethylurea
 3-(N-Nitrosomethylamino) propionitrile
 N-Nitrosomethylamine
 N-Nitroso-N-methylurea
 N-Nitrosomethylvinylamine
 N-Nitrosomorpholine
 N-Nitrosornicotine
 N-Nitrosopiperidine
 N-Nitrosopyrrolidine
 N-Nitrososarcosine
 Nitrofen
 Octachlorostyrene
 PCDDs (Total polychlorinated dibenzodioxins)
 PCDFs (Total polychlorinated dibenzofurans)
 PAHs (Total polycyclic aromatic hydrocarbons)
 Parathion
 Pentachlorobenzene
 Pentachloronitrobenzene [Quintobenzene]
 Pentachlorophenol
 Peracetic acid
 Phenol
 p-Phenylenediamine
 Phenylhydrazine
 Phorate
 Phosgene
 Phosphine
 Phosphorus
 Phosphorus oxychloride
 Phosphorus pentachloride
 Photomirex
 Phthalic anhydride
 Polychlorinated biphenyls
 Polychlorinated biphenyls [Aroclors]
 Potassium bromate
 Propane sultone [1,3-Propane sultone]

98-95-3*
 92-93-3*
 99-59-2
 79-46-9*
 100-02-7*
 38252-74-3
 3817-11-6
 924-16-3
 1116-54-7
 55-18-5
 62-75-9*
 86-30-6
 621-64-7
 759-73-9
 60153-49-3
 10595-95-6
 684-93-5*
 4549-40-0
 59-89-2*
 16543-55-8
 100-75-4
 930-55-2
 13256-22-9
 11836-75-5
 2908-74-4**
 ---**
 ---**
 ---**
 56-38-2**
 608-93-5**
 82-68-8**
 87-86-5**
 79-21-0
 108-95-2**
 106-50-3*
 100-63-0
 298-02-2
 75-44-5*
 7803-51-2*
 7723-14-0*
 10025-87-3
 10026-13-8
 39801-14-4**
 85-44-9*
 --
 1336-36-3**
 7758-01-2
 1120-71-4*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

beta-Propiolactone	57-57-8*
Propionaldehyde	123-38-6*
Propoxur [Baygon]	114-26-1*
Propyleneimine [1,2-Propylenimine, (2-Methyl aziridine)]	75-55-8*
Propylene oxide	75-56-9*
Pyrene	129-00-0
Quinoline	9192-22-5*
Quinone	106-51-4*
Selenium	7782-49-2
Sodium borate	1303-96-4
Styrene	100-42-5*
Styrene oxide	96-09-3*
Sulfalate Sulfate	95-06-7
Sulfuric acid (aerosol)	7664-93-9
Terbufos	13071-79-9
1,2,3,4-Tetrachlorobenzene	634-66-2**
1,2,4,5-Tetrachlorobenzene	95-94-3**
1,1,2,2-Tetrachloroethane	79-34-5* 3
Tetrachloroethylene [Perchloroethylene]	127-18-4**
2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD]	1746-01-6**
4,4'-Thiodianiline	139-65-1
Thiophenol	108-98-5
Thiourea	62-56-6
Thorium dioxide	1314-20-1
Titanium tetrachloride	7550-45-0*
Toluene	108-88-3**
Toluene-2,4-diisocyanate [2,4-Toluene diisocyanate]	584-84-9*
Toluene-2,6-diisocyanate	91-08-7
o-Toluidine	95-53-4*
o-Toluidine hydrochloride	636-21-5
p-Toluidine	106-49-0
Toxaphene	8001-35-2**
1,2,4-Trichlorobenzene	120-82-1*
1,1,2-Trichloroethane	79-00-5*
Trichloroethylene	79-01-6**
2,4,5-Trichlorophenol	95-95-4**
2,4,6-Trichlorophenol	88-06-2**
Triethylamine	121-44-8*
Trifluralin	1582-09-8**
Trimethylbenzene	2551-13-7
1,2,4-Trimethyl benzene	95-63-6
2,4,6-Trinitrotoluene	118-96-7
2,2,4-Trimethylpentane	540-84-1*
Tris(2,3-dibromopropyl) phosphate	126-72-7
Trypan blue	72-57-1

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Urethane [Ethyl carbamate]	51-79-6*
Vinyl acetate	108-05-4*
Vinyl bromide	593-60-2*
Vinyl chloride	75-01-4*
Vinylidene chloride [1,1-Dichloroethylene]	75-35-4*
Xylenes (isomers and mixture)	1330-20-7*
o-Xylenes	95-47-6*
m-Xylenes	108-38-3*
p-Xylenes	106-42-3*
Antimony compounds*	--
Includes any unique chemical substance that contains antimony as part of that chemical's infrastructure	
Arsenic compounds*	--
Includes any unique chemical substance that contains arsenic as part of that chemical's infrastructure	
Beryllium compounds*	--
Includes any unique chemical substance that contains beryllium as part of that chemical's chemicals infrastructure	
Cadmium compounds*	--
Includes any unique chemical substance that contains cadmium as part of that chemical's infrastructure	
Chromium compounds*	--
Includes any unique chemical substance that contains chromium as part of that chemical's infrastructure	
Cobalt compounds*	
Includes any unique chemical substance that contains cobalt as part of that chemical's infrastructure	
Cyanide compounds*	--
x(pos) CN(neg) where X = H(pos) or any other group where a formal dissociation can be made. For example, KCN or Ca(CN)[2]	
Glycol ethers*	--

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

undergoes radioactive decay.

Selenium Compounds*

Includes any unique chemical substance that contains selenium as part of that chemical's infrastructure.

* Indicates presence on HAP List.

**Indicates presence on Great Waters or Great Lakes List.

++Indicates presence on HAP and Great Waters or Great Lakes Lists.

(Source: Amended at 21 Ill. Reg. 623, effective MAY 12 1994)

POLLUTION CONTROL BOARD

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Includes any unique chemical substance that contains glycol as part of that chemical's infrastructure. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R(OCH₂CH₂)_n[n]-OR' where

n=1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure:

R(OCH₂CH₂)_n[n]-OH.

Polymers are excluded from the glycol category.

Fine mineral fibers*

Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) having the average diameter of 1 micrometer or less.

Lead compounds*

Includes any unique chemical substance that contains lead as part of that chemical's infrastructure

Manganese compounds*

Includes any unique chemical substance that contains manganese as part of that chemical's infrastructure

Mercury compounds*

Includes any unique chemical substance that contains mercury as part of that chemical's infrastructure

Nickel compounds*

Includes any unique chemical substance that contains nickel as part of that chemical's infrastructure

Polycyclic Organic Matter (POM)*

Includes organic compounds having more than one benzene ring and a boiling point equal to or greater than 100 degrees Celsius (212 degrees Fahrenheit).

Radionuclides (including radon)*

A type of atom which spontaneously

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF WITHDRAWAL

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils
- 2) Code Citation: 41 Ill. Adm. Code 180
- 3) Section Number(s): 180.20
Proposed Action: Amend
- 4) Date Notice of Proposed Amendment was Published in the Illinois Register: February 28, 1997, 21 Ill. Reg. 2791
- 5) Reason for the Withdrawal: The Office of the State Fire Marshal had proposed a rule to increase the allowable size of above ground fuel storage tanks for dispensing to motor vehicles. After the proposal was made, oral comments from fire service personnel made to agency personnel raised issues related to fire safety and enforcement regarding the increased fire potential inherent in such a large amount of flammable and combustible liquids. Historically, above ground storage of gasoline and fuel oils has been limited due to the high potential for fire and explosion. The Office believes that continuing the limitation on the amount of fuel will retain the level of safety; the Office will continue to monitor technological changes consistent with the safety of the residents of the State.
- 1) Heading of the Part: Services Delivered by the Department

- 2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers: Adopted Action:

302.20 Amend
302.400 Amend
302.405 Amend

- 4) Statutory Authority: 20 ILCS 505

- 5) Effective Date of Amendments: May 15, 1997

- 6) Does this rulemaking contain an automatic repeal date? Yes

- 7) Do these amendments contain incorporations by reference? No

- 8) Date filed in Agency's Principle Office: May 15, 1997

- 9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 745 (January 17, 1997)

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No

- 11) Difference between proposal and final version: In Section 302.400(d)(3)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF WITHDRAWAL

- the words "Fiscal Year 1995" were deleted from the first sentence.
- In Section 302.405(b)(3) the word "other" was deleted from the second sentence.
- In the last sentence of (3) the words "or his or her designee" were deleted.
- In subsection (c)(2) proposed paragraph (C) was deleted and (D), (E), and (F) were relabeled. The deleted paragraph read "the child no longer requires assistance for any special needs which were taken into consideration when calculating the amount of the subsidy;"
- In subsection (d)(2) the words "conducted within 30 days prior to finalization of the subsidized guardianship" were deleted.
- In subsection (e)(2) and (3) the annual review was replaced with a review "every two years or more frequently".
- In subsection (e)(4) the words "or 21 as specified in the agreement" were added immediately after "the age of 18".
- In subsection (e)(5) the words "at the sole discretion of the Department" were deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: Yes
- 13) Will these amendments replace an emergency rule currently in effect? Yes
- 14) Are there any proposed amendments to this Part pending? Yes

Section Number	Proposed Action	Illinois Register Citation
302.20	Amend	April 11, 1997 (21 Ill. Reg. 4350)
302.30	Amend	April 11, 1997 (21 Ill. Reg. 4350)
302.40	Amend	April 11, 1997 (21 Ill. Reg. 4350)
302.310	Amend	April 11, 1997 (21 Ill. Reg. 4350)
302.320	Amend	April 11, 1997 (21 Ill. Reg. 4350)
302.330	Amend	April 11, 1997 (21 Ill. Reg. 4350)
302.Appendix B	Amend	April 11, 1997 (21 Ill. Reg. 4350)

- 15) Summary and Purpose of These Adopted Amendments: The Department has received a waiver from the Federal Department of Health and Human Services to implement a demonstration project which offers a subsidized guardianship arrangement for children who have been in foster care for two or more years and who meet other criteria, as described in the rules, that indicate the child is likely to remain in substitute care. All foster

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF WITHDRAWAL

parents and relative caregivers will be eligible for the new arrangement with the exception of those that reside in the cost neutrality areas which are described in the proposed amendments. Each guardianship will be established by court order. The financial and medical assistance offered under this program is modeled after the adoption assistance program and the same methodology for calculating the amount of financial assistance is used.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jackqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, IL 62701-1498
(217) 524-1983
TTY:(217) 524-3715

The full text of the proposed amendment begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Heading on Part 304
- 4) Date Proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10760
- 5) Date Adoption published in Illinois Register: January 3, 1997, 21 Ill. Reg. 364
- 6) Date Request for Expedited Correction published in Illinois Register: March 14, 1997, 21 Ill. Reg. 3322
- 7) Adoption Effective Date: December 23, 1996
- 8) Correction Effective Date: December 23, 1996
- 9) Reason for Approval of Expedited Correction: Corrects the heading format on Part 304 by adding the Subtitle and Chapter information.

Agency Director

Date

The full text of the Corrected Rule begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	UNO-VEN Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302	City of Joliet East Side Wastewater Treatment Plant
304.303	Amerock Corporation, Rockford Facility

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May

POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. _____, effective December 23, 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers: 302.209
- 4) Date Proposal published in Illinois Register: August 9, 1996, 20 Ill. Reg. 10539
- 5) Date Adoption published in Illinois Register: January 3, 1997, 21 Ill. Reg. 370
- 6) Date Request for Expedited Correction published in Illinois Register: March 14, 1997, 21 Ill. Reg. 3326
- 7) Adoption Effective Date: December 23, 1996
- 8) Correction Effective Date: December 23, 1996
- 9) Reason for Approval of Expedited Correction: Corrects omission of Section 302.209 "Fecal Coliform" from the Table of Contents.

_____	Agency Director	_____	Date
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The full text of the Corrected Rule begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 302

WATER QUALITY STANDARDS

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SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

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POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

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302.601

Scope and Applicability

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302.604

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302.612

Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures

302.615

Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry

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Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry

302.621

Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances

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Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances

302.633

The Wild and Domestic Animal Protection Criterion

302.642

The Human Threshold Criterion

302.645

Determining the Acceptable Daily Intake

302.648

Determining the Human Threshold Criterion

302.651

The Human Nonthreshold Criterion

302.654

Determining the Risk Associated Intake

POLLUTION CONTROL BOARD

NOTICE OF EXPEDITED CORRECTION

- 302.657 Determining the Human Nonthreshold Criterion
 302.658 Stream Flow for Application of Human Nonthreshold Criterion
 302.660 Bioconcentration Factor
 302.663 Determination of Bioconcentration Factor
 302.666 Utilizing the Bioconcentration Factor
 302.669 Listing of Derived Criteria

APPENDIX A References to Previous Rules
 APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended at R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. ~~6273~~, effective December 23, 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act, as of July 1, 1994.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 6, 1997 through May 12, 1997 and have been scheduled for review by the Committee at its June 17, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/19/97	Department of Public Aid, Rights and Responsibilities (89 Ill Adm Code 102)	3/7/97 21 Ill Reg 2924	6/17/97
6/19/97	Illinois Student Assistance Commission, Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)	2/14/97 21 Ill Reg 1993	6/17/97
6/20/97	Office of the State Fire Marshal, Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill Adm Code 170)	2/28/97 21 Ill Reg 2800	6/17/97
6/20/97	Criminal Justice Information Authority, Operating Procedures for the Administration of Federal Funds (20 Ill Adm Code 1520)	1/17/97 21 Ill Reg 752	6/17/97
6/21/97	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	3/14/97 21 Ill Reg 3042	6/17/97
6/21/97	Illinois Student Assistance Commission, Monetary Award Program (MAP) (23 Ill Adm Code 2735)	2/14/97 21 Ill Reg 2062	6/17/97
6/21/97	Illinois Student Assistance Commission, Illinois Incentive for Access (IIA) Program (23 Ill Adm Code 2736)	2/14/97 21 Ill Reg 1948	6/17/97
6/21/97	Secretary of State, Regulations Under Illinois Securities Law of 1953 (14 Ill Adm Code 130)	3/21/97 21 Ill Reg 3570	6/17/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/22/97	Illinois Student Assistance Commission, Robert C. Byrd Honors Scholarship Program (23 Ill Adm Code 2755)	2/14/97 21 Ill Reg 2102	6/17/97
6/25/97	Office of the State Fire Marshal, Fire Prevention Safety Code (41 Ill Adm Code 100)	1/24/97 21 Ill Reg 1133	6/17/97
6/25/97	Board of Trustees of the University of Illinois, Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding (44 Ill Adm Code 525)	3/14/97 21 Ill Reg 3081	6/17/97
6/25/97	Department of Central Management Services, State (of Illinois) Employees' Deferred Compensation Plan (80 Ill Adm Code 2700)	2/28/97 21 Ill Reg 2773	6/17/97
6/25/97	Department of Rehabilitation Services, Eligibility (89 Ill Adm Code 682)	2/21/97 21 Ill Reg 2623	6/17/97

PROCLAMATIONS

97-258
II WORLD POLONIA SAILING JAMBOREE DAYS

Whereas, the II World Polonia Sailing Jamboree is a world-wide yachting challenge of Polish sailors in which a grand flotilla of 26 yachts from Western Europe, the United States and Canada are participating; and

Whereas, this expedition is organized and coordinated by Polish Sailing Center, Inc. in Chicago and Joseph Conrad Yacht Club in Chicago; and

Whereas, the 1997 II World Polonia Sailing Jamboree will honor the Millennium of Gdansk and a special commemorative brochure will be published to celebrate the yachting event; and

Whereas, this event is intended to foster friendship and business opportunities between the United States and Poland;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23-26, 1997, as II WORLD POLONIA SAILING JAMBOREE DAYS in Illinois.

Issued by the Governor May 1, 1997.

Filed by the Secretary of State May 7, 1997.

97-259
LINDA CIBULA DAY

Whereas, the Hemophilia Foundation of Illinois (HFI) is a not-for-profit organization that aids persons affected by hemophilia; and

Whereas, the HFI has been sustained by volunteers, such as Linda Cibula, who have given generously of their time and talents to support HFI; and

Whereas, Linda Cibula has been helping HFI for more than 15 years, single-handedly earning thousands of dollars to support HFI and its programs; and

Whereas, the Hemophilia Foundation of Illinois has created the Linda Cibula Award, of which Linda will be the first recipient, to honor one HFI volunteer annually who has made significant efforts to support HFI's programs; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17, 1997, as LINDA CIBULA DAY in Illinois and commend Linda for her generosity of spirit.

Issued by the Governor May 1, 1997.

Filed by the Secretary of State May 7, 1997.

97-260
OSTEOPOROSIS AWARENESS DAY

Whereas, osteoporosis is a bone-thinning disease affecting 25 million Americans today; and

Whereas, osteoporosis leads to 1.5 million spine, hip and wrist fractures in the United States each year; and

Whereas, risk factors for osteoporosis include a family history of osteoporosis, use of steroid medication, a thin body build, a sedentary lifestyle, low calcium intake and menopause; and

Whereas, Evanston and Glenbrook Hospitals are opening an Osteoporosis Screening Center at Nordstrom - Old Orchard; and

Whereas, during May, June and July, all Bone Density (DEXA) exams at the

Nordstrom and Evanston Hospital locations will be offered at 50 percent off the regular price;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21, 1997, as OSTEOPOROSIS AWARENESS DAY in Illinois.
 Issued by the Governor May 1, 1997.
 Filed by the Secretary of State May 7, 1997.

97-261

BETTER HEARING AND SPEECH MONTH

Whereas, communicative disorders such as hearing loss, speech impairments, and related language deficiencies constitute our nation's number one disability; and
 Whereas, 24 million American -- about 10 percent of our population -- and 1.1 million Illinoisans have speech, language, or hearing impairments that may affect their education, vocational, personal and social functions; and
 Whereas, most people with such disorders can be helped through medical treatment, surgery, hearing aids, or appropriate therapy; and
 Whereas, the first step toward obtaining help is knowing it is available;

and
 Whereas, the leading national and regional organizations concerned with hearing, speech, and language problems have joined together to promote public awareness through an extensive annual effort; and

Whereas, such an effort will encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing, speech, and language impairments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1997 as BETTER HEARING AND SPEECH MONTH in Illinois.
 Issued by the Governor May 2, 1997.
 Filed by the Secretary of State May 7, 1997.

97-262

DR. BRUCE POLAY DAY

Whereas, Dr. Bruce Polay has been music director and conductor of the Knox-Galesburg Symphony since 1983 and is an associate professor of music at Knox College, where he teaches courses in music and music history; and

Whereas, since becoming music director and conductor of the Knox-Galesburg Symphony, Dr. Polay has expanded the symphony season and established several highly successful youth programs in cooperation with area school districts, the Galesburg Public Library and numerous corporations; and

Whereas, Dr. Polay has made many recent appearances as guest conductor in Europe, and has gained national recognition as a composer, receiving honorable mention in the 1993 Rudolf Nissim Composition Competition from the American Society of Composers, Authors, and Publishers and ASCAP Standards Awards in 1993, 1994, 1995 and 1996; and

Whereas, Dr. Bruce Polay was recently named the 1997-98 Conductor of the Year by the Illinois Council of Orchestras; and

Whereas, a ceremony will be held in Dr. Polay's honor to celebrate his many achievements in the field of music at the Knox-Galesburg final season concert on May 10, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May

10, 1997, as DR. BRUCE POLAY DAY in Illinois.
 Issued by the Governor May 2, 1997.
 Filed by the Secretary of State May 7, 1997.

97-263

ELDER LAW WEEK

Whereas, older Americans have legal needs that require special attention and legal expertise; and
 Whereas, the National Academy of Elder Law Attorneys (NAELA) is an association of attorneys concerned with improving the availability of legal services to senior citizens; and

Whereas, from May 18-24, 1997, NAELA will conduct seminars to inform senior citizens about the need for living wills;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18-24, 1997, as ELDER LAW WEEK in Illinois.

Issued by the Governor May 2, 1997.
 Filed by the Secretary of State May 7, 1997.

97-264

HELP KIDS BE TOBACCO-FREE DAY

Whereas, the Illinois Coalition Against Tobacco (ICAT), headed by the American Heart Association and the American Lung Association, represents more than 100 organizations and individuals working together to reduce the use of tobacco in Illinois; and

Whereas, ICAT is holding its second annual anti-tobacco youth rally, with an expected 700 children from across the State convening at the State House on May 13, 1997; and

Whereas, the purpose of ICAT is to make the public aware of the dangers of tobacco, advocate policy changes to reduce tobacco use, prevent children from using tobacco and to protect nonsmokers from the harmful effects of secondhand smoke; and

Whereas, the anti-tobacco youth rally, with young people taking a role in decreasing tobacco use and encouraging elected officials to help protect young people from the appeal and addictiveness of tobacco, provides an excellent example of determination;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 13, 1997, as HELP KIDS BE TOBACCO-FREE DAY in Illinois.

Issued by the Governor May 2, 1997.
 Filed by the Secretary of State May 7, 1997.

97-265

LAWDALE PEOPLES PLANNING AND ACTION CONFERENCE DAY

Whereas, the Lawndale Peoples Planning and Action Conference (LPPAC) was formed 30 years ago; and

Whereas, the purpose of the LPPAC is to aid in the economic development and social welfare of the Lawndale community; and

Whereas, LPPAC has worked to create viable institutions such as the Pyramidwest Development Corporation, the Local Redevelopment Authority of Lawndale and Boulevard Management, Inc. to support and sustain the Lawndale

community; and

Whereas, LPPAC and other sponsoring organizations have helped foster working relationships between community residents, the public and private sectors and the City of Chicago; and

Whereas, the LPPAC will celebrate its 30th anniversary with festivities at the Lawdale Peoples Planning and Action Conference;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1997, as LAWDALE PEOPLES PLANNING AND ACTION CONFERENCE DAY in Illinois.

Issued by the Governor May 2, 1997.

Filed by the Secretary of State May 7, 1997.

97-266

LEADERSHIP SPRINGFIELD DAY

Whereas, Leadership Springfield was founded in 1986 by the Greater Springfield Chamber of Commerce and the Junior League of Springfield; and

Whereas, the purpose of Leadership Springfield is to identify and motivate emerging leaders from a cross-section of the community and develop their potential for civic leadership by exposing them to the realities, opportunities and challenges of the community; and

Whereas, Leadership Springfield is one of 500 leadership training institutes throughout the United States designed to provide education and training to individuals who want to strengthen their community by becoming more involved; and

Whereas, the 1996-97 graduating class of Leadership Springfield, with 28 participants, have completed the eight month program and worked on various projects benefiting the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1997, as LEADERSHIP SPRINGFIELD DAY in Illinois.

Issued by the Governor May 2, 1997.

Filed by the Secretary of State May 7, 1997.

97-267

ASIAN AMERICAN HERITAGE MONTH

Whereas, the Asian American community constitutes the fastest growing minority group in the country and is an important element of our unique American mosaic; and

Whereas, the achievements of Asian Americans have contributed to our nation's progress and prosperity in a wide range of fields including art, architecture, literature, education, government, law, industry, commerce, medicine, science, and technology, thus having contributed to the quality of life for Asian Americans and non-Asians alike; and

Whereas, Asian Americans, and all those who journeyed to the United States in pursuit of freedom and liberty, are an important part of our nation's foundation; and

Whereas, the Asian American community is visible and active as its members make significant strides toward full participation and equal opportunity in all walks of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1997 as ASIAN AMERICAN HERITAGE MONTH in Illinois and urge all citizens to join this celebration recognizing the infinite contributions of Asian Americans to

our great State.

Issued by the Governor May 5, 1997.

Filed by the Secretary of State May 7, 1997.

97-268

GATEWAY FOUNDATION DAY

Whereas, the Gateway Foundation is a non-profit organization that has been providing treatment and prevention programs for alcohol and other drug abuse since 1968; and

Whereas, throughout the years, the Gateway Foundation has earned a national reputation for its effective programs and outstanding accomplishments in helping addicts return to the community as drug-free productive citizens; and

Whereas, last year more than 16,000 men, women and teens were helped through Gateway's treatment programs and 11,000 youth and families participated in Gateway's prevention programs; and

Whereas, each year, the Gateway Foundation recognizes citizens for their leadership and dedication to their cause; and

Whereas, this year the Gateway Foundation is posthumously honoring Art Quern, a former Aon executive, public servant and leader in Chicago's civic and philanthropic community, as the Citizen of the Year in recognition of his legacy of leadership and community service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5, 1997, as GATEWAY FOUNDATION DAY in Illinois in honor of their dedication to citizens of this State and offer my best wishes for continued success.

Issued by the Governor May 5, 1997.

Filed by the Secretary of State May 7, 1997.

97-269

ILLINOIS STATE EMPLOYEE ASSOCIATION MONTH

Whereas, the Illinois State Employee Association (ISEA) was founded in 1922; and

Whereas, the purpose of the ISEA is to represent and aid State employees in the most professional manner; and

Whereas, ISEA has been instrumental in passing legislation that provides benefits to State employees; and

Whereas, the ISEA will celebrate its 75th anniversary in June;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1997 as ILLINOIS STATE EMPLOYEE ASSOCIATION MONTH in Illinois.

Issued by the Governor May 5, 1997.

Filed by the Secretary of State May 7, 1997.

97-270

JACKIE ROBINSON WEST LITTLE LEAGUE DAY

Whereas, Jackie Robinson West Little League was founded by people committed to developing and maintaining a high-quality Little League Baseball Program in their community; and

Whereas, Jackie Robinson West Little League was named for a true pioneer who became the first African-American to play professional baseball, creating,

as Rev. Jesse Jackson said, "... ripples of possibility. This man turned the stumbling block into a stepping stone," and

Whereas, Jackie Robinson West Little League is, as its namesake is, a pioneer. Their teams have been extremely successful, participating in national and international competition, winning a National Championship in 1993, District IV Championships at four levels in 1994 and 1995, and District IV Championships at three levels in 1996; and

Whereas, Jackie Robinson West Little League has set high standards on the field, becoming the only African-American Little League to win three Illinois State Championships in the 11- and 12-year-old division, win four Illinois State Championships in the Senior League Division for 14- and 15-year-old division, win six Illinois State Championships in the Junior League Division for the 13-year-old division, win an Illinois State Championship in the Big League Division for 16- through 18-year-old division, and participate in World Series Competition at three levels of International Tournament Play;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18, 1997, as JACKIE ROBINSON WEST LITTLE LEAGUE DAY in Illinois.

Issued by the Governor May 5, 1997.

Filed by the Secretary of State May 7, 1997.

97-271

SENIOR HEALTH AND FITNESS DAY

Whereas, the fourth annual National Senior Health and Fitness Day will be held May 28, 1997; and

Whereas, this senior health event is the largest of its kind, with an estimated 100,000 to 125,000 older adults participating; and

Whereas, programs for the National Senior Health and Fitness Day range from small group exercise sessions in community senior centers to walking tours and outdoor health fairs, all of which will emphasize the importance of staying physically active; and

Whereas, the theme for this year's National Senior Health and Fitness Day, "Life's a hit when you're feeling fit!" increases awareness of older adults of the benefits which a regular exercise program can offer;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 28, 1997, as SENIOR HEALTH AND FITNESS DAY in Illinois.

Issued by the Governor May 5, 1997.

Filed by the Secretary of State May 7, 1997.

97-272

ARSON AWARENESS WEEK

Whereas, arson is a serious crime affecting all our communities; and Whereas, each year arson fires destroy irreplaceable buildings and artifacts, claim countless lives and cause countless injuries; and

Whereas, arson is a violent crime, forcing fire fighters to risk their lives and endangering other law enforcement officials who investigate the scene of the crime; and

Whereas, arson creates financial and emotional devastation, with the costs incurred by litigation, medical bills, funeral arrangements and other immeasurable costs to businesses and families who are victims of arson; and

Whereas, the International Association of Arson Investigators sponsors

National Arson Awareness Week to help educate the public about the crime of arson;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 4-11, 1997, as ARSON AWARENESS WEEK in Illinois.

Issued by the Governor May 6, 1997.

Filed by the Secretary of State May 7, 1997.

97-273

GFWC ILLINOIS WEEK

Whereas, the GFWC Illinois Federation of Women's Clubs is a member state of the General Federation of Women's Clubs, the world's largest volunteer organization; and

Whereas, women throughout Illinois are attending the GFWC Illinois 102nd Annual Convention in Arlington Heights; and

Whereas, clubs will be recognized for outstanding achievement in the area of international affairs, education, health, home life, public affairs, public relations, Native American affairs and veterans affairs; and

Whereas, awards will be presented for achievement in membership and leadership; and

Whereas, special emphasis will be placed on GFWC Illinois State President's project, Prevent Child Abuse, "Our Promise-A Safe Place for Every Child" and the GFWC Illinois Junior Director's project, "Women's Wellness;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18-24, 1997, as GFWC ILLINOIS WEEK in Illinois.

Issued by the Governor May 6, 1997.

Filed by the Secretary of State May 7, 1997.

97-274

WOMEN'S HEALTH: TAKE TIME TO CARE WEEK

Whereas, the U.S. Food and Drug Administration Office of Women's Health will pilot its "Women's Health: Take Time to Care" initiative in Chicago; and Whereas, the "Women's Health: Take Time to Care" initiative is national educational outreach program geared toward women; and

Whereas, the goal of this initiative is to empower women to achieve optimal health by providing education about their use of FDA-regulated products; and

Whereas, one of the urgent messages to women is to "Use Medicines Wisely," because between 30 and 50 percent of people using medicines do not use them as prescribed, with improper usage resulting in 35 million unnecessary hospital admissions annually; and

Whereas, the "Women's Health: Take Time to Care" initiative will also emphasize the importance of exercise and a healthy diet as well as the need to get screenings for early detection of illnesses;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 16-22, 1997, as WOMEN'S HEALTH: TAKE TIME TO CARE WEEK in Illinois.

Issued by the Governor May 6, 1997.

Filed by the Secretary of State May 7, 1997.

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jntale@ccgate.sos.state.il.us (Internet address).

PROPOSED

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 11-415-18 23-1501-19
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SECRETARY OF STATE
INDEX DEPARTMENT
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SPRINGFIELD, IL 62756

